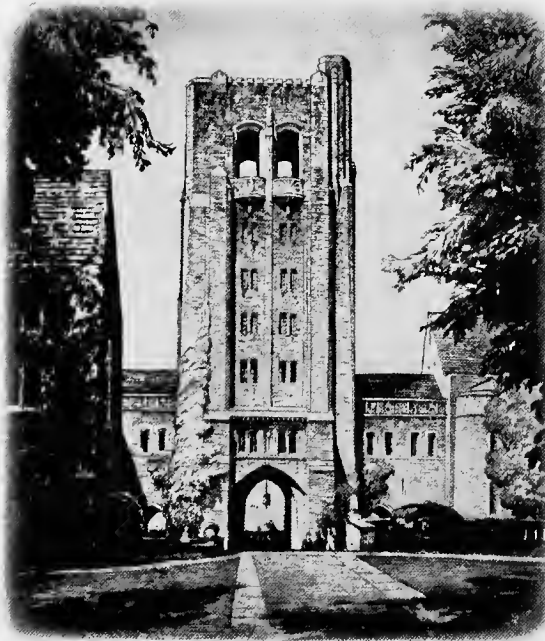


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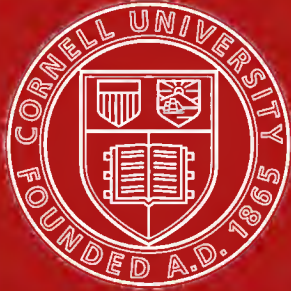
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THE
STATUTES AND LAWS
OF THE
ISLAND OF JAMAICA:

REVISED EDITION,

BY THE

HON. C. RIBTON CURRAN, SENIOR PUISNE JUDGE OF THE SUPREME
COURT OF JAMAICA.

VOL. IV.

21 VICTORIA TO 29 VICTORIA.

A.D. 1857 to 1865.

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24 VIC., CHAP. IV., & 25 VIC., CHAP. I.

AFTER the printing of this Volume was completed, it was brought to my notice by the Chief Justice that the 24 Victoria, Chapter 4, and the 25 Victoria, Chapter 1, were referred to in Law 2 of 1874, and ought not, consequently, to have been omitted "as obsolete," as was done by Messrs. Ker and Schalch.

This discovery was made too late to allow of these Acts being printed in their proper place. They will however be found in full in Appendices A and B to this Volume.

I wish to take this opportunity of stating, that I do not hold myself responsible for any errors or omissions in Messrs. Ker and Schalch's Revised Edition. When commencing my Revision I stated distinctly that I would make that work the basis of mine, and that I would not go behind it.—[ED.]

THE STATUTES—REVISED EDITION.

ACTS OF QUEEN VICTORIA.

21 VICTORIA, A.D. 1857.

CHAPTER IX.

AN ACT in aid of the Law giving Summary Jurisdiction to Justices in Petty Sessions.

WHEREAS it is desirable that one uniform mode of procedure should be prescribed for all cases of Summary Jurisdiction: Be it enacted by the Governor, Legislative Council, and Assembly of this Island:—

I. THAT wherever Justices in Petty Sessions are invested with powers to inflict a pecuniary fine, and whether or not a particular mode of enforcement in default of payment be prescribed by distress on the goods, or by imprisonment of the body, it shall be lawful for the Justices adjudicating, in their discretion, to direct the penalty and costs to be enforced, in default of payment, either directly by imprisonment of the body of the offender, as may be directed by the Act under which the conviction takes place, with or without hard labour, or indirectly by the like imprisonment, with or without hard labour as aforesaid, in default of goods of the offender whereout to satisfy the penalty and costs.

Enforcement
of fine.

II. THAT wherever Justices in Petty Sessions are invested with power to make an order otherwise than for the payment of money, it shall be lawful for the Justices in their discretion to award that, in default of performance of the particular matter or thing which such Justices may be empowered to enjoin by such order to be done, the defendant do

Pecuniary
amends to
complain-
ant.

pay to the complainant such sum as the Justices may award as a fair compensation to him in default of the performance of the specific matter or thing directed to be done, and to direct, as hereinbefore provided, the enforcement of such order, and of the costs if adjudged, either directly by imprisonment of the defendant's body for a term not exceeding one calendar month, or indirectly by the like imprisonment for the like term, in default of goods and chattels of the defendant whereout to satisfy the sums of money adjudged to be paid as compensation and the costs.

III. [Temporary.]

Imprisonment to run from date of capture.

IV. THAT where imprisonment is directed the term of such imprisonment shall begin to run only from the date of the capture of the offender or defendant, and the Officer directing the capture shall endorse on the warrant the date of such caption.

Stamp duty on summons.

V. THAT the stamp directed to be impressed on each private summons by the "STAMP DUTY ACT, 1855" may be impressed substitutionally on the information to ground such summons; and it is hereby declared that an information or summons sued out by any Policeman, complaining of the infraction of any Public Act, shall not be chargeable or charged with such stamp.

Single Justice may adjudicate with consent of parties.

VI. THAT with the consent of the informer, complainant, or plaintiff, and of the defendant in any case of summary jurisdiction, any single Justice of the Peace may exercise jurisdiction, and adjudicate upon the matter of such information, complaint, or plaint.

In civil cases one Justice may assess damages on default.

VII. THAT in default of two Justices to form a Court of Petty Sessions any single Justice of the Peace shall have power to establish service of all civil cases; and in cases where service is established and no appearance entered one

Justice shall have power to assess the damages by default, in the same manner as two Justices have by law been hitherto empowered to do.

VIII. THAT in all cases, civil and criminal, one Justice shall have power to adjourn the hearing of the same. Power to adjourn.

IX. THAT this Act shall extend to all cases pending before Justices of the Peace in this Island, and shall extend to all Acts already passed, or to be enacted, conferring a summary jurisdiction on Justices of the Peace. Application of Act.

X. THAT it shall and may be lawful for any Justice of the Peace to issue subpœnas to witnesses into a different parish from that in which the proceedings may be pending; and any such subpœna, when endorsed by a Justice of the parish in which the same is sought to be put into operation, may be served in such last-mentioned parish (upon tender being made of the reasonable expenses); and disobedience thereto shall entail the same consequences as are provided in case of subpœnas served within the jurisdiction of the Justice issuing the same. Subpœnas to persons in another parish.

CHAPTER XI.

AN ACT for preventing Tumults and Riotous Assemblies and more speedily and effectually punishing the rioters, and amending the Law relative to proceedings for compensation for damages by rioters in certain cases.

WHEREAS it is necessary that for the preservation of the peace of this Island further provision should be made for preventing tumults, and effectually punishing disaffected persons and rioters: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same as follows:—

I. IF any persons, to the number of twelve or more, being Persons in the

number of twelve riotously assembling, and refusing to disperse after proclamation, declared guilty of felony.

unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace at any time after the passing of this Act, and being required or commanded by any one or more Justice or Justices of the Peace, or if in Kingston, by the Mayor or Senior Alderman, or other Head Officer or Justice of the Peace of the parish, precinct or place where such assembly shall be, by proclamation to be made in the Queen's name, in the form hereinafter directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, then such continuing together to the number of twelve or more after such command or request made by proclamation shall be adjudged felony, and the offenders therein shall, upon conviction, be liable at the discretion of the Court to be transported beyond the seas for the term of the natural life of every such offender, or for any term not less than ten years, or shall be liable to such punishment as is, or may be, by law substituted for transportation, or to be imprisoned for any term not exceeding three years.

Order and form of such proclamation.

II. THE order and form of the proclamation that shall be made by the authority of this Act shall be as hereafter follows :—that is to say, the Justice of the Peace, or other person, authorized by this Act to make the said proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be while proclamation is making, and after that shall openly, and with a loud voice, make, or cause to be made, proclamation in these words, or like in effect : “ Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in an Act made in the

twenty-first year of Queen Victoria, for preventing tumults and riotous assemblies.—God Save the Queen.” And every such Justice, Mayor, Alderman, and other Head Officer aforesaid, within the limits of their respective jurisdictions, are hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous* assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid.

III. If such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together, and not disperse themselves within one hour, then it shall and may be lawful to and for every Justice of the Peace of the parish or precinct where such assembly shall be, and also to and for every High or Petty Constable, Inspector, Serjeant, and Private of Police, and other Peace Officer within such parish or precinct, and also, if in Kingston, to and for the Mayor, or any Alderman or Constable, or other Peace Officer, and to and for such other person or persons as shall be commanded to be assisting unto such Justice of the Peace, Mayor, or other Head Officer aforesaid, who are hereby authorised and empowered to command all her Majesty's subjects of age and ability to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously continuing together after proclamation made as aforesaid, and forthwith carry the persons so apprehended before one or more of her Majesty's Justices of the Peace of the parish, precinct, or city where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt,

Persons riotously assembling and refusing to disperse within one hour after proclamation may be apprehended and dealt with according to law.

Peace Officers indemnified in case of the death or wounding of any party in

* “Tumultuously,” in Original.

the course of
apprehen-
sion.

in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such Justice of the Peace, Mayor, Alderman, Head Officer, Inspector, Serjeant, or Private of Police, High or Petty Constable, or other Peace Officer, and all and singular persons being aiding and assisting to them, or any of them, shall be free, indemnified, and discharged, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled that shall happen to be so killed, maimed, hurt, as aforesaid.

Obstructing
by force the
reading of
proclama-
tion declared
felony.

IV. If any persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, then every such opposing, obstructing, letting, hindering, or hurting such person so beginning or going to make such proclamation as aforesaid shall be adjudged felony, and the offenders therein shall be adjudged felons, and shall be liable to be transported for life, or for any term not less than ten years, or shall be liable to such punishment as is or may be by law substituted for transportation, or to be imprisoned for any term not exceeding three years, at the discretion of the Court; and also every such person or persons so being unlawfully, riotously, and tumultuously assembled, to the number of twelve as aforesaid or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them to the number of twelve or more shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made,

shall be adjudged guilty of* felony, and shall be liable to be transported for life, or for any term not less than ten years, or shall be liable to such punishment as is or may be by law substituted for transportation, or to be imprisoned for any term not exceeding three years, at the discretion of the Court.

V. If any persons unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish or pull down, or begin to demolish or pull down, any Church or Chapel, or any building for religious worship certified and registered according to the English Statute, made in the first year of the reign of King William and Queen Mary, entitled "An Act for exempting their Majesties' Protestant subjects dissenting from the Church of England from the penalties of certain Laws," or any house or houses, building or buildings, used for any public or parochial purpose whatsoever, or any dwelling-house, mills, mill-houses, boiling-houses, curing-houses, still-houses, trash-houses, ware-houses, coffee-mills, stores or other buildings, or any machinery, whether fixed or moveable, or any steam engine, then every such person or persons who shall be convicted of any such demolishing or pulling down, or beginning to demolish or pull down, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such person or persons, or for any term not less than ten years, or to be imprisoned for any term not exceeding three years. [Rep. 27 Vic. c. 24.]

Punishment for the destruction of or attempting to destroy, any Church or Chapel.

VI. If after the passing of this Act any such Church or Chapel, or any such building for religious worship, or any such dwelling-house, mill, mill-houses, boiling-house, curing-house, still-house, trash-house, warehouse, coffee-mill, store, or other building, merchandize, or steam-engine shall be demolished or pulled down wholly or in part by such persons so unlawfully, riotously and tumultuously assembled, then the inhabitants of the parish, or if in the City of Kingston the inhabitants of† the city and parish in which such damage shall be done, shall be liable to yield damages to the person injured and damnified by such demolishing or pulling down wholly or in part: and such damages may be recovered by action to

Damages occasioned by the riotous destruction of any building may be recovered against the parish;

* "guilty of" not in Original.

† "of" not in Original.

be commenced in her Majesty's Supreme Court of Judicature holden at St. Jago de la Vega, and tried in either of the Circuit Courts of this Island, by the person damnified thereby against any two or more of the Justices of the Peace in, of, and for such parish, or if in Kingston of the city of and for Kingston; and the action for damages to any Church or Chapel shall be brought in the name of the Rector, Minister, Curate, or Trustee of such Church or Chapel that shall be so damnified, in trust for applying the damages to be recovered in rebuilding or repairing such Church or Chapel; and on judgment being given for the plaintiff in any such action, the damages to be recovered shall, at the request of such plaintiff or his executors or administrators, be estimated and stated as a separate item in the estimate of expenditure of the respective parish for the year, or succeeding year to that in which the damages shall be so recovered; and such damages shall be allowed and provided for as part of the parochial expenditure for such year.

except in cases
where the riot
amounts to
rebellion :

VII. WHERE any riot amounts to rebellion, or such combined resistance against the law exceeds the authority of the Magistracy and the power they can bring into action to suppress the same, then the provisions herein contained for making compensation for damages shall be null and void.

Provided the
party damnified
shall give notice
of injury within
seven days.

VIII. No action shall be maintainable by virtue of this Act for the damage caused by any of the said offences unless the person or persons damnified, or such of them as shall have knowledge of the circumstances of the offence, or the servant or servants who had the care of the property damaged, shall, within seven days after the commission of the offence, go before some Justice of the Peace residing near, and having jurisdiction over the place where the offence shall have been committed, and shall state upon oath before such Justice the names of the offenders, if known, and shall submit to the examination of such Justice touching the circumstances of the

offence, and become bound by recognizance before him to prosecute the offenders, when apprehended : Provided, that no person shall be enabled to bring any such action unless he shall commence the same within three calendar months after the commission of the offence.

IX. IN any action to be brought by virtue of the Act against the inhabitants or any Justices of any parish of this Island, no inhabitant thereof shall by reason of any interest arising from such inhabitancy, be exempted or precluded from giving evidence either for the plaintiff or for the defendant.

Any inhabitant may give evidence notwithstanding his interest in the suit.

X. WHEREVER the plaintiff in any such action shall recover judgment whether after verdict or by default or otherwise, no writ of execution shall be executed on either of the defendants or any inhabitant of the parish ; but the Provost Marshal, upon the receipt of the writ of execution, shall make his warrant to the Receiver General, requiring him to pay to the plaintiff the sum by the said writ directed to be levied ; and such Receiver General is hereby required to pay the same out of any money which shall then be in his hands, or shall come into his hands.

Execution not to be sued out against nominal defendant, but damages to be paid by the Receiver General.

XI. IF the Justices who may be sued under this Act shall produce and prove before the Executive Committee an account of the just and necessary expenses which shall have been incurred in consequence of any such action, if defended with the sanction of the Executive Committee, such expenses shall be paid on the order of the Executive Committee by the Receiver General ; and if in any such action judgment shall be given against the plaintiff when the same shall have been defended with the sanction of the Executive Committee, the just and necessary expenses incurred in consequence of such action shall be paid in like manner, over and above the taxed* cost to be paid by the plaintiff in such case ; and in case it shall be proved to the Executive Committee that the plaintiff

In actions defended with consent of the Executive Committee, the costs of the defendant to be paid by Receiver General.

* "Tax" in Original.

in the action is insolvent, so that the defendants can have no relief as to such taxed costs, the Executive Committee shall, if they think fit, order the same to be paid by the Receiver General.

This Act to be read at every Circuit Court.

XII. THIS Act shall be openly read at every Circuit Court and Supreme Court throughout the year: Provided, that no person shall be prosecuted by virtue of this Act for any offence committed contrary to the same, unless such prosecution be commenced within six months after the offence committed.

XIII. THIS Act may be cited as "THE RIOT ACT, one thousand eight hundred and fifty-seven."

CHAPTER XIV.

AN ACT for abolishing the future punishment of crime by Transportation and substituting Penal Labor within the Colony in lieu thereof.

WHEREAS by reason of the difficulty of transporting offenders beyond the seas it has become expedient to substitute other punishment in lieu of transportation: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, as follows:—

PENAL SERVITUDE SUBSTITUTED FOR TRANSPORTATION.

Abolition of transportation.

I. ON and after the first day of January, one thousand eight hundred and fifty-eight, no person shall be sentenced to transportation.

Substitution of penal servitude.

II. ANY person who, if this Act had not been passed, might have been sentenced to transportation, shall be liable, at the discretion of the Court, to be kept in penal servitude within this Island for such term as hereafter mentioned.

Terms of penal servitude in lieu of terms of transportation.

III. THE terms of penal servitude to be awarded instead of transportation to which any offender would have been liable if this Act had not been passed shall be as follows, that is to say:—

Instead of transportation for seven years, or for a term not exceeding seven years, penal servitude for the term of four years.

Instead of any term of transportation exceeding seven years, and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years.

Instead of any term of transportation exceeding ten years, and not exceeding fifteen years, penal servitude for any term not less than six, and not exceeding eight years.

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years.

Instead of transportation for the term of life, penal servitude for the term of life.

IV. IN every case when at the discretion of the Court one of any two or more terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned in relation to such terms of transportation.

Court may exercise same discretion as in awarding sentences of transportation.

V. PROVIDED always, that nothing in this Act contained shall interfere with or affect the authority or discretion of any Court in respect of any punishment which such Court may now award or pass on any offender other than transportation ; but when such other punishment may be awarded at the discretion of the Court instead of transportation or in addition thereto, the same may be awarded instead of or (as the case may be) in addition to the punishment substituted for transportation under this Act.

This Act not to affect authority of Courts in respect of sentences other than transportation.

VI. WHENEVER the Governor of this Island shall be pleased to extend mercy to any offender convicted of any offence for which he may be liable to the punishment of death upon

Commutation of capital sentences.

condition of his being kept to penal servitude for any term of years, or for life, such intention of mercy shall have the same effect, and may be signified in the same manner, and all Courts, Justices, and others shall give the like effect thereto, and to the condition of the pardon, as in cases where the Governor is now pleased to extend mercy upon condition of transportation beyond seas; the order for the execution of such punishment as the Governor may have made the condition of mercy being substituted for the order of transportation.

PENAL SERVITUDE—WHAT AND HOW TO BE REGULATED.

VII.*

Short title.

XVIII. THIS Act may be cited and referred to as “THE SECONDARY PUNISHMENT ACT, 1857.”

CHAPTER XVI.

AN Act to limit the amount of fine and duration of imprisonment under the Fifty-sixth Section of the “Prisons Consolidation Act, 1856,” and to amend the Twenty-ninth Rule in Schedule B. to such Act.†

CHAPTER XXII.

AN Act to define the mode of proceeding in cases of Appeal, and to regulate the hearing of Appeals.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

Short title.

I. THIS Act may be cited as the “APPEAL REGULATION ACT, 1857.”

Interpretation
of terms.

II. THE expression “appellant” shall mean the party to any proceeding within the meaning of this Act who shall

* Sections 7 to 17 both inclusive repealed by Sec. 97 of Law 18 of 1882.

† Repealed by Sec. 97 of Law 18 of 1882.

give notice of appeal from any judgment, decision, or report, or shall require to have a case stated for the opinion of the Supreme Court or a Judge of such Court thereon respectively as herein provided; and the expression "respondent" shall mean the opposite party to any such proceeding; and the word "judgment" shall mean any conviction, judgment, order, or other affirmative adjudication, or any dismissal of, or refusal to hear or adjudicate on any complaint, information, or summons in a matter of summary jurisdiction.

I.

AS TO TIME OF APPEAL AND ADVICE THEREOF BY JUSTICES, &c.

III. THAT any person aggrieved or affected by any judgment of any Justice of the Peace exercising summary jurisdiction, or by the decision or report of any other Officer or Body taking any proceeding, or acting under any Law either now or hereafter to be in force in this Island whereby the right of appeal is or shall be allowed, shall be at liberty to appeal therefrom to the Court of Appeal of the parish or precinct in which such judgment shall be pronounced, or to the Supreme Court or to a Judge thereof, as hereinafter respectively provided. Right of appeal.

IV. THAT the right of appeal shall extend to all Acts already or to be hereafter passed giving summary jurisdiction to Justices of the Peace, or any other Officer or Body, unless where otherwise expressly provided. Extent thereof.

V. THAT the Justice of the Peace, or other Officer or Body, whenever the person adjudicated against shall appear to be ignorant thereof, shall instruct him of his right of appeal, and the Clerk of the Justices shall, whenever required, and his fees in that behalf paid or tendered, furnish to any appellant the necessary notice and recognizance of appeal. Illiterate persons to be informed of their right of appeal.

II.

AS TO NOTICE, RECOGNIZANCE, GROUNDS OF APPEAL, SERVICE, &c.

Notice of
appeal.

VI. THAT the appellant shall, either during the sitting of the Court or other tribunal at which such judgment, decision, or report as aforesaid is delivered give verbal notice of appeal or at any time within fourteen days after such judgment, decision, or report delivered give a written notice of his intention to appeal to the adjudicating Justice or other Officer or Body as aforesaid, and to the respondent ; and in either case shall, within such period of fourteen days, deliver to the Clerk of the Magistrates, or other proper Officer, and also to the respondents, the grounds in writing of his appeal : Provided, that the time shall not commence to run in the case of an affirmative judgment until the copy of the conviction, order, or adjudication shall have been drawn up and be ready for delivery to the appellant.

Minute of verbal notice to be made by Clerk, &c.

VII. THAT whenever a verbal notice of appeal shall be given, the Clerk of the Magistrates, Clerk of the Vestry, or other proper Officer, shall make a minute thereof ; which shall operate as a notice of appeal to the Justices, or other Body or Officer before whom the proceeding shall be held, or take place, and also to the respondent, if present in person or by attorney or agent ; and if not so present, notice of appeal shall be served in writing, as herein provided in other cases, on the respondent, within the before limited period of fourteen days after the judgment, decision, or report shall be made.

Service of
notice.

VIII. WHERE the respondent has appeared by attorney or agent, it shall be sufficient to serve such attorney or agent with the notice and grounds of appeal herein required ; and in every other case service thereof may be made personally on the respondent, or at his usual place of residence or business.

Service of
notice (con-
tinued.)

IX. In case of the death of the respondent, or of his absence from this Island, the service of the notice and grounds of appeal respectively herein required shall be made upon his

representative, in like manner, and within the like time, as it is herein directed to be made upon the respondent ; and in case of the respondent or his representative being out of the jurisdiction of the Court of Appeal, or in case of the respondent being absent, or dead, and there being no representative, copies of the notice and grounds of appeal respectively herein required shall be posted on the door of the Court House of the parish wherein the decision was made, and within the time herein limited for service as aforesaid: Provided, that the destruction, obliteration, or taking down of any such posted copy by any other person than the appellant or his agent, or any person acting with his privity or assent, shall not prejudice the appellant.

X. It shall not be necessary to state in any written notice of appeal that the appellant is aggrieved by the decision appealed against ; and every notice of appeal shall be sufficiently signed, if signed by or on behalf of the appellant, either with his name or mark, or with the name of his attorney, but if signed with his mark, such signature shall be attested by a subscribing witness.

Form of notice
of appeal.

XI. THAT to entitle any person aggrieved or affected thereby to appeal from any judgment, decision, or report as aforesaid, the appellant shall, within fourteen days as hereinbefore provided for the giving of notice of appeal, enter into a recognizance, with one or more sufficient surety or sureties, in a sum sufficient in the case of a judgment inflicting a penalty or awarding a sum of money or costs to cover the penalty or sum awarded and costs, and in a further sum of three pounds or the costs of appeal, if any shall be adjudged ; and in the case of a judgment of dismissal or refusal to adjudicate,* in a sum sufficient to cover the costs of dismissal, if any, awarded, and a further sum of three pounds for the costs of appeal in case costs of appeal shall be adjudged; and such recognizance

Appellant must
enter into re-
cognizance.

* " So adjudicated" in Original.

shall be conditioned for the due prosecution of the appeal according to the provisions of this Act, and that the appellant do perform and obey all and every the judgments, orders, and determinations of the Appellate Court or Judge to be made in the matter; and in case the judgment appealed from shall be affirmed, then that he do pay the amount of the penalty or sum of money adjudged, together with all costs, as well of the judgment appealed from, as of the Court of Appeal, at such time as the said Court of Appeal or Judge shall direct; and where the appellant shall have been adjudged to imprisonment in the first instance, the condition of the recognizance in such case shall be that the appellant do surrender himself into custody forthwith, to undergo the term of imprisonment adjudged, and that he do pay all costs to be adjudged as aforesaid by the Appellate Court or Judge, in case of the judgment appealed from being affirmed.

Appellant
under dis-
ability.

XII. THAT where an appellant may be under legal disability, the recognizance of appeal of his surety or sureties shall be sufficient.

Who may
take recog-
nizance of
appeal.

XIII. ANY Justice of the Peace for the parish in which the judgment, decision, or report intended to be appealed from shall be made, or for the parish in which the appellant or his surety resides, may take the recognizance of appeal hereby required.

III.

AS TO ADMISSION OF SURETIES, AND JUSTIFICATION BY THEM, &c.

Sufficiency
of sureties.

XIV. THAT the appellant shall give to the respondent notice of the names of his intended sureties, and of the time and place of entering into recognizance; and it shall be lawful for any Justice taking any recognizance under this Act to determine any objection which may be raised by the respondent to the sufficiency of any surety or sureties that may be tendered, and to require, in case of the Justice being satisfied of the insufficiency of the surety or sureties named, that

another surety or sureties shall be tendered; and in every case it shall be the duty of any Justice taking a recognizance under this Act to require every surety offering himself, or tendered by the appellant, to justify on oath, which oath such Justice is hereby authorized and required to administer, in the form hereunto annexed, marked A; and every such oath shall be written upon the recognizance; and no surety shall be accepted who shall refuse or decline to justify as is hereby required; and if any surety shall wilfully and corruptly take a false oath touching or upon any such justification, and shall thereof be convicted, such surety shall be deemed guilty of perjury, and shall be liable to and be punished with the pains and penalties imposed on persons guilty of wilful and corrupt perjury.

IV.

WHERE EXECUTION STAYED OR OTHERWISE.

XV. WHEN notice of appeal has been duly given and served and the recognizance has been entered into as herein required, execution or further proceedings shall be stayed in the matter appealed against; and if the appellant be in custody, he shall be liberated until the judgment of the Appeal Court or Judge shall be given, or unless or until the appeal shall be withdrawn or not proceeded with by the appellant, on production of a certificate from the Clerk of the Court of Appeal that the necessary notice and recognizance have been respectively given and entered into: Provided, that in case of the affirmation of the judgment appealed from, any imprisonment which may have been undergone before liberation as last aforesaid shall be reckoned as part of the imprisonment under such judgment.

Execution
to be stayed
on recogni-
zance being
entered into.

XVI. If the appellant shall fail to give and serve the notice and grounds of appeal, and enter into the recognizance respectively herein required, his right to appeal shall cease and determine, and the party in whose favour the judgment,

If notice and
grounds of
appeal not
served, and
recognizance
not entered

into, right
of appeal to
cease.

decision, or report shall have been made shall thereupon be at liberty forthwith to take all lawful means for enforcing the same; and any Justice, or other proper Officer or Body of the parish wherein such judgment, decision, or report was made, may issue all necessary process for enforcing the same, according to the forms prescribed by the Act under which the proceedings were originally commenced, or as may be provided by any other Act now or hereafter to be passed for enforcing the same.

V.

AS TO THE DELIVERY OF CERTIFIED COPIES OF EVIDENCE, &c., FOR PARTIES AND COURT; LISTING OF APPEALS; SUMMONSES FOR WITNESSES; PENALTY FOR NON-ATTENDANCE, &c.

Clerks of
Magistrates
to supply
certified
copies of
evidence
&c.

XVII. THE several Clerks of the Magistrates throughout the Island, and in all other cases where the right of appeal is or shall be given the proper Officer or party (the legal fees of such Clerks of the Magistrates, or other proper Officer or party being first paid or tendered) shall respectively, under the penalty of twenty pounds for each neglect, to be recovered in a summary manner before any two Justices of the Peace, supply to every party applying for the same a certified copy of the evidence taken, proceedings had, and decision made, in the matter of appeal.

Certified
copies of
evidence,
&c. for Court.

XVIII. EACH respective Clerk of the Magistrates throughout the Island, and in all other cases where the right of appeal is or shall be given the proper Officer or party shall, under the penalty of twenty pounds for each neglect, to be recovered in a summary manner before any two Justices of the Peace, make up and certify and deliver to the Clerk of the Court of Appeal of his respective parish or precinct the originals or copies of all original documents, and a copy of the evidence taken, proceedings had, and decision made, in every matter of appeal, for the use of the Judge of the Appeal Court, not later than fourteen days after the delivery of such judgment, order, or report appealed from.

XIX. THE Clerk of the Court shall, on the first day of the sitting of the Circuit Court at which any appeal is to be brought on, make out a list of all appeals for hearing at such Court, and shall on such day deliver to the Judge of the Court such list, together with the certified documents, or copies of documents, and copies of evidence, proceedings had, and decision made, in every such matter of appeal, and grounds of appeal, wherein the same have been furnished to the Clerk of the Court by the Clerk of the Magistrates or other Officer or party.

Clerk of Court to make out list of appeals.

XX. EITHER party to the proceedings appealed from may obtain from the Clerk of the Court, who shall have authority to sign the same, summonses for witnesses, with or without a clause requiring the production of books and documents in their respective possession or control; and in any such summonses any number of names, may be inserted; and every person on whom any such summons, or any copy thereof, although containing his name only, shall be served, and to whom at the same time payment or a tender of payment of his expenses shall have been made on the scale established with regard to witnesses subpoenaed to attend any Circuit Court and who shall refuse or neglect without sufficient cause to appear, or if appearing, to give evidence, or to produce any books or documents required by such summons to be produced, and also every person present in Court who shall be required to give evidence, and who shall refuse to be sworn or to give evidence, or shall wilfully prevaricate, shall be liable respectively to be committed to jail by the Appeal Court or Judge for any period not exceeding seven days.

Summonses to witnesses.

VI.

AS TO THE COURT OF APPEAL, AND TIME OF HEARING, AND WHEN APPEAL NOT TO BE HEARD.

XXI. THE Circuit Court for every parish or precinct in this Island shall be the Court of Appeal for matters arising in every parish or precinct.

Circuit Court to be Court of Appeal.

How and
when ap-
peals shall
be heard;

XXII. THAT every appeal shall be heard at the then next succeeding Court of Appeal of the parish or precinct wherein the judgment appealed from was delivered, if such Court shall meet within one month after the perfection of such judgment; but if a longer interval shall occur between the perfection of the judgment and the holding of the Court of Appeal, then it shall be lawful for either the appellant or respondent to require, and for the Magistrate's Clerk to transmit, a transcript of the information, summons, evidence, conviction, order, or judgment appealed from, and to submit the same for adjudication before any Judge of the Supreme Court in Chambers; who shall thereupon, if he conceive the proceedings to be questionable, issue his summons to the opposite party to attend to shew cause before him or any other Supreme Court Judge why the judgment appealed from should not be quashed; but if such judgment should, on such application by the appellant, appear to be valid and good, then such Judge shall endorse his confirmation thereof on the proceedings, and return the same into the office of the Clerk of Magistrates in the Court where the case was adjudicated; and upon the appearance or default of appearance on any such summons to be issued as aforesaid by the Judge, he shall examine into the matter of such appeal, and determine the same in his judgment finally.

No appeal to be
heard unless no-
tice given, &c.

XXIII. No appeal shall be heard unless the appellant shall have given and served the notice of appeal and the grounds of appeal as herein directed, and entered into the recognizance respectively herein required within the period herein in that behalf limited.

VII.

AS TO PRACTICE AND COURSE OF PROCEDURE, POWERS OF COURT,
PENALTY FOR FALSE EVIDENCE, COSTS.

Rules of prac-
tice in Appeal
Court.

XXIV. THE following general rules of practice shall prevail in the Courts of Appeal:—

First. None but Barristers or Attorneys, or the appellants and respondents in person, shall be entitled to address the Court.

Second. The appellant shall begin by proving that he has served the notice and grounds of appeal, and entered into the recognizance respectively as herein required.

Third. The respondent, if matters of fact are in issue, shall then produce his witnesses or evidence ; after which the appellant shall call witnesses, or produce evidence in reply ; which evidence or witnesses on both sides shall be the same as were examined and produced at the proceeding, the judgment, decision, or report wherein is appealed from.

Fourth. If no matters of fact are in issue, but a question of law only is raised by the appeal, the appellant will state his objections, after proving his notice and grounds of appeal and the recognizance respectively herein required, and the respondent will be heard in reply.

XXV. PROOF of service of the notice and grounds of appeal respectively herein required may be made by affidavit, to be sworn before the Judge of the Court of Appeal, or any Commissioner for taking affidavits, or Master Extraordinary of the Court of Chancery, or Justice of the Peace ; and any person wilfully making any false statement in any such affidavit shall be liable to be prosecuted, and, if convicted, shall be punished with the like pains and penalties as are imposed in the case of perjury : Provided, that it shall be lawful for the Judge of the Court of Appeal, if not satisfied with any affidavit of service and grounds of appeal, to require the service of the notice aforesaid to be proved, *vivâ voce*, on oath : Provided also, that any written admission of service of notice by the Justices entitled thereto shall be taken to be sufficient service under the provisions of this Act, as far as such Justices are concerned.

Proof of service
of notice, &c.

Defects of form,
&c., may be
amended.

XXVI. THE Court, or Judge of Appeal, on the hearing of any matter within its jurisdiction, is hereby empowered to amend any defect in form in any part of any proceedings, or the record thereof, and also, if any variance shall appear between any matter in writing or in print produced in evidence and the recital or setting forth thereof in any such proceeding, or any part thereof, or the record thereof respectively, to cause the same to be amended as occasion shall require ; and after any amendment as herein provided, the case shall proceed in the same manner, and all and every the proceedings wherein the decision appealed from shall be made shall be attended with the like effects in all respects with regard to the liabilities of parties thereto, or the liability of witnesses to be indicted for perjury or otherwise, as if no amendment had been made : Provided, the Court of Appeal may direct that any such amendment shall be made only upon such terms as to the Court shall seem meet and just.

No proceeding
to be set aside
for want of form

XXVII. EVERY information, summons, order, conviction, warrant of distress, or commitment, or other proceeding shall be deemed valid and sufficient in which the offence or claim shall be set forth in the words of the Act creating the offence or giving jurisdiction, or which shall follow the form given by any Act relating to the offence or claim, or the general form given by the Act Thirteenth Victoria, chapter thirty-five, or any other Act passed, or to be passed for the like purpose ; and no proceeding shall be set aside for form merely where it appears that the party accused or called on to answer in the matter was duly summoned, and had notice of the offence charged, or claim made against him.

Where recogni-
zance informal,
new recogni-
zance may be
entered into.

XXVIII. WHERE any recognizance shall have been entered into within the time herein required, but shall appear to the Appeal Court or Judge to have been informally entered into, or drawn up, or signed, or stamped, or to be otherwise defective or invalid, it shall be lawful for such Court or Judge, if

they shall think fit, to permit a new and sufficient recognizance to be entered into in the place of such informal, defective, or invalid recognizance ; but the trial of such appeal shall not be delayed unless the Appellate Judge shall, on application for that purpose, think fit to postpone the same to the next Court, and no longer ; and he shall and is hereby empowered to impose such terms as to payment of costs to the respondent, or otherwise, as to such Judge shall appear just and reasonable ; and such substituted recognizance shall be as valid and effectual, to all intents and purposes, as if the same had been duly entered into at any earlier time as required by this or any Act now or hereafter to be in force.

XXIX. THAT the evidence taken and certified by the Magistrates' Clerk at the hearing shall be read and received by the Appellate Judge as the evidence in the case, unless the appellant and respondent, or either of them, shall within fourteen days after the perfection of the judgment, signify to the Clerk of the Magistrates his dissatisfaction therewith ; in which case they or he shall be at liberty to re-examine *vivâ voce* before the Appellate Judge, and shall come prepared with the witnesses examined by the adjudicating Justices, or any or either of them that he may require ; and no other than such as shall have been examined or tendered and refused by the Justices aforesaid shall be called as witnesses on the hearing of the appeal ; and no other documentary evidence than such as shall have been admitted or tendered and refused in evidence before such Justices shall be admitted on the hearing of the appeal.

Evidence at
hearing of
appeal.

XXX. THE Judge of the Court of Appeal shall have power to administer oaths, or to take solemn affirmation in any case wherein an affirmation may by law be taken instead of an oath ; and any person who in any examination upon oath or solemn affirmation shall wilfully and corruptly give false evidence shall be indicted for perjury, and shall, on conviction, be

Appellate Court
may administer
an oath.

punished with all the pains and penalties attaching to perjury; and any party or witness who shall appear to give false evidence wilfully and corruptly may be committed and detained for examination on such charge of perjury by any Justice of the Peace of the parish wherein the charge is made, and shall be thereupon dealt with according to law, as in other cases of perjury.

Costs.

XXXI. THE Judge of the Court of Appeal shall have power to award costs, not exceeding the sum of three pounds, in any case either heard before him, or in which, the notice of appeal and recognizance having been given as herein required, the appeal shall be withdrawn or shall not be prosecuted or proceeded with.

Power to adjourn.

XXXII. THAT the Court or Judge of Appeal shall in its discretion respite and adjourned the appeal as often as the justice of the case shall require.

VIII.

PROCEEDINGS IF DECISION AFFIRMED; THE LIKE IF DECISION REVERSED; SIMPLE DISMISSAL OF APPEAL.

Judgment on appeal.

XXXIII. IF the decision appealed from shall be affirmed by such Court or Judge of Appeal, the Judge shall endorse thereon the words "judgment affirmed," with his signature; or if the appeal shall be withdrawn, or not proceeded with or prosecuted, the Judge shall endorse the words "appeal withdrawn," or "not proceeded with," or "not prosecuted;" and in either of such cases it shall be lawful for the Judge also to endorse the amount of costs (if any are given) by the Court of Appeal; and thereupon any Justice of the Peace of the parish wherein the proceeding in which the appeal was made took place shall immediately, on application by the party entitled, add the costs so given by the Court of Appeal to any penalty or sum of money and costs, if any, ordered to be paid on the proceedings wherein such appeal shall be made, and issue all necessary warrants for the recovery of the whole

by distress and sale, or commitment, or otherwise, according to the forms which may be given by the particular Act under which the original proceedings were taken, or by any general Act now passed, or hereafter to be passed, for the purpose of enforcing summary orders or convictions.

XXXIV. If the decision appealed from shall be affirmed, and the appellant* shall make default in satisfying the judgment appealed from forthwith, then it shall be lawful for any Justice of the Peace of the parish wherein the decision was made to issue process in the form marked B hereunto subjoined on the recognizance entered into by the sureties or surety of the appellant, for the recovery of the penalty or sum of money, and the costs on the original proceedings, and costs on the appeal, if any, which the appellant shall be liable to pay, as also three shillings for costs on such process against every or any surety in such recognizance.

How judgments
to be enforced.

XXXV. PAYMENT by the appellant, or any surety, of the whole amount which the appellant is liable to pay, and of the costs aforesaid for issuing process on the recognizance aforesaid, shall be full satisfaction and discharge of all liability of the appellant and his sureties or surety on the original proceedings and the recognizance entered into as aforesaid.

Payment of
amount by
appellant
declared satis-
faction.

XXXVI. THE imprisonment of the sureties or surety of any appellant under process on the recognizance as aforesaid shall not extend beyond the time to which the appellant shall be liable to be imprisoned by the Act or Acts under which he shall be convicted or ordered to pay the amount of money and costs or be otherwise committed.

Limitation of
imprisonment
of surety.

XXXVII. If the decision appealed from shall be reversed by such Judge of Appeal, it shall be lawful for the Judge of the Court to endorse thereon the words "Judgment reversed," with his signature, and also the amount of costs, if any are

Proceedings
upon reversal of
judgment.

* "principal," in Original.

given; and it shall be lawful for the Judge of Appeal, or any Justice of the Peace of the parish wherein the decision is made, to issue a warrant of distress for the amount of such costs against the goods and chattels of the respondent; and if no distress or insufficient distress shall be found, then to commit the respondent to the nearest jail or house of correction, without hard labour, for any time not exceeding three calendar months, unless the costs remaining unpaid shall be sooner paid; and any such warrant may be issued in the form provided by the Act of the Thirteenth Victoria, chapter thirty-five, or any Act passed or to be passed, for enforcing summary proceedings.

**Dismissal of
appeal.**

XXXVIII. If the appellant, from any cause, as from not having served or proved the service of the notice of his appeal or grounds of appeal or from having given a defective recognizance, or otherwise howsoever, shall not be in a condition to carry on his appeal, and the decision appealed from shall be bad on its face, it shall be lawful for the Court of Appeal simply to dismiss such appeal without affirming the decision: Provided, that the Court or Judge of Appeal may make the like amendments in such case in matters of form only as are hereinbefore authorised in other cases, and may, after any such amendment, give such judgment in the matter as may appear to be proper to the Court.

IX.

PUNISHMENT FOR CONTEMPT.

XXXIX. If any person shall wilfully insult the Judge, or any Officer of the Court of Appeal, during its sitting or attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, or in the neighbourhood thereof, it shall be lawful for any Police Officer or Constable with or without the assistance of any other person, or for any Constable sworn specially for the purpose, by the order of the

Judge, to take such offender into custody, and detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a warrant under his hand, to commit any such offender to prison for any time not exceeding seven days.

X.

WHERE APPEAL WILL NOT LIE.

XL. No party shall be entitled to appeal from a judgment, order, order of dismissal, decision, report, or determination admitted or assented unto by him, or his duly authorized attorney or agent, or from any conviction entered up on a plea of guilty. No appeal where party has assented to judgment.

XLI. No party shall be entitled to appeal from any judgment, order, order of dismissal, determination, conviction, decision, or report, which has gone by default for want of appearance or otherwise, unless such party shall make oath in writing, setting forth his grounds of appeal, and the reasons why he did not appear at the hearing or trial, and that such appeal is not made for delay, but to obtain substantial justice in the matter; which said affidavit shall be filed, along with a written notice of appeal and a recognizance within the like period of fourteen days as is herein limited in other cases after such judgment, order, determination, conviction, decision, or report as aforesaid. Nor where judgment has gone by default.

XI.

PROCEEDINGS FOR TRANSMISSION OF CASE FOR OBTAINING OPINION OF THE SUPREME COURT AT THE INSTANCE OF THE JUSTICES, JUDGE OF APPEAL COURT, OR EITHER PARTY, AND SUBSEQUENT PROCEEDINGS.

XLII. It shall be lawful for the Judge of the Court of Appeal, or for the Justice or Justices or other Body or Officer before whom any proceedings may be brought from which an appeal may by any law be given, to transmit a case for the opinion of the Supreme Court in matter of law, or on the Justice may state case for opinion of Supreme Court.

construction of any Act of the Legislature; and thereupon it shall be lawful for the said Supreme Court, after notice to the parties concerned, and after hearing the said parties if they shall think fit to appear, to certify its opinion thereon under the Seal of the said Court to the Court of Appeal, or to the Justice or Justices, or other Officer or Body; and judgment shall thereupon be pronounced in accordance with such certificate by the Appellate Court, or the Justice or Justices or other Officer or Body, and carried into execution as a judgment of the said Court of Appeal, or of the Justice or Justices or other Officer or Body as aforesaid.

Either party
may apply for
case for opinion
of Supreme
Court.

XLIII. AFTER the hearing and determination, or order of dismissal, or refusal to adjudicate, by a Justice or Justices of the Peace, of any information or complaint which he or they have power to determine in a summary way by any law now in force or hereafter to be made, either party to the proceedings before the said Justice or Justices may, if dissatisfied with the said judgment as being erroneous in point of law, apply in writing, within three days after the same, to the said Justice or Justices, to state and sign a case setting forth the facts and the grounds of such judgment or order, for the opinion thereon of the Supreme Court; and the appellant shall, within fourteen days after receiving such case, transmit the same to the Clerk of the Supreme Court, first giving notice in writing of such appeal, with a copy of the case so stated and signed, to the respondent.

Appellant
before case
stated must
enter into
recogni-
zance, &c.

XLIV. THE appellant at the time of making such application, and before a case shall be stated and delivered to him by the Justice or Justices, shall, in every instance, enter into a recognizance before any Justice, with sufficient surety or sureties, and in such sum as to the Justice shall seem meet and subject to all the provisions herein contained in respect to any other recognizance required to be taken under this Act; and the appellant shall, at the same time, and before he

shall be entitled to have the case delivered to him, pay to the Clerk of the Magistrates, or other proper Officer, his fees for and in respect of the case and recognizance, and any other fees to which such Clerk or other Officer shall be entitled; which fees, except such as are already provided for by law shall be according to the Schedule to this Act annexed marked C; and the appellant, if then in custody, shall be liberated.

XLV. IF the Justice or Justices be of opinion that the application is merely frivolous, but not otherwise, he or they may refuse to state a case, and shall, on the request of the appellant, sign and deliver to him a certificate of such refusal: Justices may refuse to state case. Provided, that the Justice or Justices shall not refuse to state a case where application for that purpose is made to them by or under the direction of her Majesty's Attorney-General. Exception.

XLVI. WHERE the Justice or Justices shall refuse to state a case as aforesaid, it shall be lawful for the appellant to apply to the Supreme Court, upon an affidavit of the facts, for a rule calling upon such Justice or Justices, and also upon the respondent, to shew cause why such case should not be stated; and the said Court may make the rule absolute, or discharge it, with or without payment of costs, as to the Court shall seem meet; and the Justice or Justices, upon being served with such rule absolute, shall state a case accordingly, upon the appellant entering into such recognizance as is hereinbefore provided. Remedy if refusal.

XLVII. THE Supreme Court shall hear and determine the question or questions of law arising on any case transmitted under this Act at the instance of the Justices or other Body or Officer before whom the proceedings shall have been held or of the Judge of the Appeal Court or of any party respectively as aforesaid, and shall thereupon reverse, affirm, or amend the judgment, report, or decision in respect of which the case has been stated, or remit the matter to the Judge, Justice or Justices, or other Body or Officer, with the opinion of the Court Proceedings in Supreme Court.

thereon, or make such other order in relation to the matter, and make such orders as to costs, as to the Court may seem fit; and all such orders shall be final and conclusive on all parties: Provided, that no Justice or Justices of the Peace or other Body or Officer who shall state and deliver a case in pursuance of this Act shall be liable to any costs in respect or by reason of such appeal against his or their judgment, report, or decision.

Case submitted may be sent back for amendment.

XLVIII. THE Supreme Court shall have power, if they think fit, to cause any case transmitted to them under this Act to be sent back for amendment; and thereupon the same shall be amended accordingly; and judgment shall be delivered after it shall have been amended.

Jurisdiction vested in Supreme Court may be exercised by Judge in Chambers.

XLIX. THE authority and jurisdiction hereby vested in the Supreme Court for the opinion of which any case is stated under this Act shall and may (subject to any rules and orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chambers, and as well in vacation as in term time: Provided, that where the case shall be stated at the instance of any Judge of a Court of Appeal, such Judge shall not exercise the authority and jurisdiction given by this section.

Decision of Supreme Court may be enforced by the original jurisdiction.

L. AFTER the decision of the Supreme Court or of a Judge in Chambers in relation to any case stated for their opinion under this Act, the Judge, Justice or Justices, or other Body or Officer in relation to whose judgment, report, or decision or at whose instance the case has been stated, or any other Justice or Justices of the Peace exercising the same jurisdiction, shall have the same authority to enforce any conviction or order which may have been affirmed, amended, or made by such Supreme Court or a Judge thereof, as the Judge, Justice or Justices, or other Body or Officer who originally decided the case or before whom the same was originally brought would have had to enforce his or their judgment, report, or decision, if the same had not been appealed against; and no

action or proceeding whatsoever shall be commenced or had against any Justice or Justices, or Body or Officer, for enforcing such judgment, report, or decision, by reason of any defect in the same respectively.

LI. No writ of *certiorari* or other writ shall be required for the removal of any judgment, report, or decision in relation to which any case is stated under this Act or otherwise for obtaining the judgment or determination of the Supreme Court on any such case under this Act.

No writ of *certiorari* necessary to remove judgment into Supreme Court.

LII. IN all cases where the conditions, or any of them, in the last mentioned recognizance shall not have been complied with, the like proceedings shall be taken with respect to the enforcement of the same as hereinbefore provided with respect to forfeited recognizances of appeal for the prosecution of appeals to the Parochial or Circuit Court of Appeal.

Proceedings on forfeited recognizance.

LIII. ANY person who shall appeal by requiring a case to be stated at his instance under the provisions of this Act against any judgment, report, or decision of a Justice or Justices of the Peace, or other Body or Officer, from which he is by law entitled to appeal to the Circuit Court of Appeal of the parish or precinct, shall be taken to have abandoned such last-mentioned right of appeal finally and conclusively, and to all intents and purposes.

Right of appeal to Circuit Court considered abandoned when case required to be stated.

LIV. THAT on any appeal from a dismissal or refusal to adjudicate the Appellate Judge shall proceed to hear and determine the matter of information or complaint; and for that purpose shall have, use, and exercise all the powers and authorities given to the Justice or Justices before whom the matter was originally brought for adjudication; and shall thereupon issue such process and execution as may be necessary for the purpose of enforcing such judgment as aforesaid.

When appeal is from dismissal or refusal to adjudicate, Appellate Judge to hear and determine matter.

LV. EVERY penalty imposed by this Act, the mode of recovering which is not prescribed, may be recovered in a sum-

How penalties to be recovered

mary manner before any two Justices of the Peace, of the parish wherein the offence shall be charged to have been committed, and may be enforced by any Justice of such parish by the like proceedings as are provided by the Act of the Thirteenth Victoria, chapter thirty-five, or as shall be provided by any Act passed, or to be passed, for enforcing summary proceedings; and all penalties imposed by this Act, the appropriation whereof is not otherwise directed, shall be paid to the Receiver General, and carried to the credit of the general revenue.

Rules of
practice.

LVI. THE Supreme Court may, from time to time, and as often as occasion may require, make and alter rules and orders to regulate the practice and proceedings in reference to all cases of appeal.

XIII.

REPEAL OF ACTS.

LVII. [Repealing Section.]

Writs of
distringas
and capias,
under sec.
33.

LVIII. THAT the distringas and capias under the thirty-third section of this Act shall run into and may be executed in any parish wherein any surety in any recognizance as aforesaid shall be found: Provided, that if he shall be in any other parish than that as of which he is described, or from which the process shall issue, the same shall, on demand by the Constable charged with its execution, be endorsed by any Justice of the Peace of the parish wherein he shall be found.

Power of
amendment.

LIX. THAT the Appellate Judge or Court shall have, independently of the powers hereinbefore conferred, the same powers in all respects to cause any judgment, decision, or report appealed from, and all proceedings connected therewith, to be amended, in like manner as the Courts of Assize, Oyer and Terminer and Gaol Delivery are or may be by any law now or hereafter to be in force empowered to do.

FORM OF JUSTIFICATION, A.

I, E. F., of the Parish of one of the sureties
in the [above, within, or annexed] recognizance, do so-
lemnly and sincerely swear that I believe I am worth,
over and above all my just debts and liabilities, the sum
of , of lawful money of Jamaica, in which I
propose to be a surety for A. B., of &c., the appellant
above [or within, &c.] named. E. F.

Sworn before me this day of 185 .

C. D., Justice of the Peace for .

FORM OF DISTRINGAS AND CAPIAS, B.

Victoria by the Grace of God of the United Kingdom of
Great Britain and Ireland Queen, and of Jamaica
Lady, Defender of the Faith, &c.

To any lawful Constable of the Parish of Greeting :

You are hereby required and commanded to levy the
sum of pounds for the penalty, and three shil-
lings for costs upon the goods and chattels of
in the Parish of , and immediately pay
over the same money to of &c.
[here name and describe the respondent] ; and if you
can find no sufficient goods or chattels to satisfy the
same, then that you take the body of the said ,
and lodge him in the gaol or prison of the said Parish of
 , [or the gaol or prison nearest to such parish],
to be there detained until discharged in due course of
law, or unless the said sum be sooner paid ; and hereof
you are to make return at the first day of the Circuit
Court to be held in and for the said Parish of ,
or precinct of , on the day of
 now next ensuing.

Given under my hand and seal this day of
 , 185 . (L. S.)

SCHEDULE C.

FEES TO THE CLERK OF THE MAGISTRATES.

	£	s.	d.
Taking note of appeal ...	0	1	0
Notice of appeal, when required to make out the same ...	0	0	9
Each copy ...	0	0	3
Taking recognizance of appeal ...	0	1	0
Recognizance, when required to prepare the same, exclusive of stamp ...	0	3	0
Taking justification, and making out same	0	1	0
Certified copy of proceedings for any party, one shilling per sheet of one hundred and sixty words.			
For drawing case and copy where the case does not exceed six legal sheets of seventy-two words each ...	0	10	0
Where case exceeds six legal sheets, for every additional folio ...	0	1	0
For certificate of refusal of case ...	0	2	0

FEES TO CLERK OF COURT OF APPEAL.

Filing recognizance ...	0	1	0
Entering appeal ...	0	1	0
Attending Court on argument, and all other proceedings connected therewith ...	0	6	0
Entering up orders, each ...	0	1	0
For each copy ...	0	0	6
For signing each subpoena ...	0	0	9
Preparing subpoena when required ...	0	1	6
Each copy ...	0	0	6

CLERK OF THE PEACE.

Cost of distringas and capias ...	0	3	0
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CHAPTER XXIII.

AN ACT to facilitate the recovery of Forfeited Recognizances and Pecuniary Fines.

WHEREAS it is necessary to amend the existing Law for recovery of fines and recognizances : Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

I. ALL recognizances or sums of money to be paid in lieu or satisfaction of them which shall have been, previously to the passing of this Act, in any matter now pending, or which shall be thereafter taken and recognized, or set and imposed, by any Justice of the Peace of any parish in this Island, shall be certified by each such Justice or any other Justice of the parish, in writing, to the Clerk of the Peace of such parish or of the precinct ; who shall prepare a list containing the names, residences, trades, professions or callings of the parties, and the sum of money forfeited by each respectively ; which list he shall present to the Judge of the Circuit Court for the parish or precinct on the first day of each Circuit Court ; and such Judge shall enquire into such recognizances, and direct the Clerk of the Peace to prepare a roll of such of them (or of such sums of money as shall be payable in lieu or satisfaction of each of them) as shall have been forfeited, shewing in such roll the cause of such respective forfeiture ; and the said Clerk of the Peace shall also insert in such roll all fines and recognizances set and imposed and taken by the Judge at such Court, and which shall have been forfeited or not admitted, and all other fines and recognizances forfeited or imposed by or for the non-appearance at, or absence or departure from such Court, without the leave thereof, by any person bound to attend the same as juror, prosecutor, defendant, or witness ; and the Clerk of the Peace shall, within twenty-one days after the adjournment of the same Court

Recognizances
to be certified
by Justices to
Clerk of Peace.

Who is to pre-
pare list for Cir-
cuit Court.

Duty of Judge.

Duty of Clerk
of Peace.

Duty of Provost
Marshal.

forward to the Provost Marshal General a copy of such roll, with writs of distringas and capias according to the form in the Schedule marked A annexed to this Act (varying such writ according to the circumstances of each case) and signed by the said Judge; and the said writs so signed and directed to the Provost Marshal General of this Island shall by his authority, or the authority of his lawful Deputy, for distraining without delay on the goods and chattels of the several persons mentioned therein for the several sums therein set forth as payable by them respectively, and for taking into custody the bodies of such persons, in case the money, recognizances or fines shall not be paid, or sufficient goods and chattels cannot be found to satisfy the same respectively; and every person so taken into custody shall be lodged in the gaol or nearest prison until the next Circuit Court, to abide the judgment of the said Court, unless he shall sooner pay such forfeited recognizance, sum of money, or fine; and every such writ shall run and may be executed in any part of this Island in which the party against whom the same shall have been issued may be found; but if the party shall have removed or fled into any other parish than that as of which he is described in the writ, such writ shall be endorsed by any Justice of the Peace of the parish in which the party shall be found on the application of the Provost Marshal General, or his Deputy, prior to the execution of such writ.

Clerk of Peace
to send dupli-
cate roll to Re-
ceiver General.

II. EVERY Clerk of the Peace shall within thirty days after each Circuit Court, forward to the Receiver General a duplicate copy of every roll which shall have so delivered to the Provost Marshal General and of every return made by him or his deputy on the first day of the opening of such Court, setting forth in such duplicate roll the cause of discharge in every case in which any person shall have been discharged by the said Court from the payment of any recognizance, or sum of money, or fine, and the answer of every Deputy Marshal why

any recognizance or sum of money or fine mentioned in such roll had not been paid or recovered.

III. THE Clerk of the Peace shall previous to the delivery of any such roll to the Provost Marshal General, or Receiver General, make oath before a Justice of the Peace (which oath any Justice of the Peace is hereby authorized to administer) and to be endorsed on the back of such roll as follows :—

Roll to be certified on oath.

I, A. B., do swear that this roll has been carefully made up and examined, and that all recognizances taken and recognized at the parish [or precinct] of which have become forfeited and ought to be paid, and all fines and recognizances imposed and taken by the Judge at the Circuit Court held in the parish [or precinct] of on the day of have been inserted in the same ; and that it also contains all such sums of money as have been received by me, either in Court or otherwise, on such fines, and on forfeited recognizances, without any fraudulent discharge or omission whatsoever.

A. B.

Sworn before me at the day of 18
C. D., Justice of the Peace.

IV. EVERY Clerk of the Peace of this Island shall within twenty days after the termination of the sitting of each Circuit Court of his respective parish or precinct, pay over to the Receiver General, for the use of the public of this Island, all sums of money received by him respectively on account of the aforesaid fines and recognizances.

Clerk of Peace to pay over to Receiver General all sums received under Act.

V. EVERY Justice of the Peace before whom any recognizance shall be entered into is hereby required to give, or cause to be given, to each of the persons or sureties entering into recognizance at the time of doing so, a written or printed paper of notice in the form or to the effect mentioned in the Schedule marked B to this Act annexed, adapting the same to

Notice to be given by Justice to parties entering into recognizance.

the particular circumstances of each case ; and every such Justice shall, in every such recognizance, mention the names in full, and the profession, trade, or occupation of every person entering into such recognizance, and the parish or place of his residence.

Discharge from custody on security being given.

VI. If any person on whose goods and chattels the Provost Marshal General or his Deputy shall be authorized to levy any forfeited recognizance sum of money or fine shall tender security to the said Provost Marshal General or his Deputy for his appearance at the next Circuit Court, to abide the decision of such Court, and to pay such forfeited recognizance, sum of money or fine, with such expenses as the said Court shall order it shall be lawful for the said Provost Marshal General or his Deputy to discharge from his custody the person giving such security.

Bench warrant to issue against person giving security and not appearing.

VII. In case any person giving security as aforesaid shall not appear at the next Circuit Court for the parish or precinct, it shall be lawful for the Judge of such Court forthwith to issue a bench warrant to bring such person before him, and to deal with the recognizance of the sureties of such person in the manner directed by this Act in cases of other forfeited recognizances ; and the person so making default shall, when taken under such bench warrant, be dealt with as if he had been brought up under a writ of distringas and capias as hereinbefore provided.

Outstanding fines, &c.

VIII. THE Judge of the Circuit Court of every parish or precinct shall, at the opening of each Court, cause to be inserted in a new roll all such forfeited recognizances, sums of money or fines, which being included in any previous roll shall not have been levied, recovered, or accounted for by the Provost Marshal General or his Deputy, or from the payment of which the parties mentioned in such previous roll shall not have been discharged by the Court or otherwise according to law ; and shall cause a copy of such new roll to be issued to

the Provost Marshal General, with writs for execution, and a duplicate thereof to be forwarded to the Receiver General, respectively made up, signed, and sworn to in all respects, in like manner, and within the like respective time, and with the like liability, on the Clerk of the Peace to pay over all sums of money received by him on account of any forfeitures in any such roll, as is by this Act directed and provided in respect to any other roll of forfeited fines and recognizances; and the Judge of the Circuit Court shall continue so to act from Court to Court, until it shall be ascertained to the satisfaction of the said Court that every person in default has not any goods and chattels whereon to levy, or cannot be found.

IX. THE Provost Marshal General shall return every writ of distringas and capias directed to him as aforesaid, and the roll attached thereto, to the Circuit Court as aforesaid on the first day of the sitting of each such Court, and shew which of such writs have been executed by him, and the manner of the execution thereof respectively; and he shall, within ten days after the rising of such Court respectively, pay over to the Receiver General every sum of money received by him on account of such writs, under the penalty of one hundred pounds, which penalty shall be recovered in a summary manner by application to the Supreme Court; and the said Provost Marshal or his Deputy shall be examined on oath by the Judge of the Circuit Court on the first day of the sitting thereof, or on any subsequent day, touching the execution of all such writs as shall have been forwarded to him previous to the meeting of such Court.

Day of return
to writ, &c.

X. THE Judge of the Circuit Court before whom any person so committed to prison, or bound to appear, shall be brought, shall enquire into the circumstances of the case, and, at his discretion, order the discharge of the whole of the forfeited recognizance, sum of money, or fine, or any part thereof; and such order shall be made in the form set forth in the Schedule marked C to this Act annexed, and shall be signed

Judge of Circuit Court to
enquire into
circumstances,
and make order
thereon.

Recognizances
to keep the
peace, how to be
enforced.

by the Clerk of the Peace ; which said order shall be a discharge of such person from such recognizance or fine ; and where the party shall have been imprisoned, the Judge of the said Circuit Court is hereby empowered to remand such person to the same custody for such period as he shall direct, or to order him to be discharged from custody ; and it shall be lawful for such Judge to award such costs, charges and expenses to be paid by the person so discharged as to him shall seem just and reasonable* ; whenever any recognizance shall have been, or shall be, entered into before any Justices or Justice of the Peace of any parish or precinct to keep the peace, or for good behaviour, or to appear, or as bail for the appearance of any person before any Justices or Justice of the Peace, or for the performance or doing of any other act before or within the cognizance or jurisdiction of any such Justices or Justice ; and if any such recognizance shall have been, or shall be, broken by non-appearance, or non-performance, or not doing of any such act, or if it shall made to appear from a conviction on the information of any credible person that any recognizance for good behaviour or to keep the peace has been broken, it shall be lawful for any Justice of the Peace of the parish or precinct wherein any such breach shall happen to sign and issue a writ of distringas and capias, in the form marked A to this Act annexed, varying such writ according to the circumstances of each case ; and such writ shall be executed by the Provost Marshal General, or his Deputy, in like manner as any other writ may be executed under this Act ; and the Clerk of the Magistrates of the respective parish or precinct shall send to the Receiver General a docket of every such writ so issued by any Justice of the Peace, within five days after the issuing thereof, and shall be entitled to the like fees thereon as are reserved to the Clerk of the Peace on any other writ under this Act ; and the Provost Marshal General shall make return to the next succeeding Circuit

* " The subject matter here changes. It would appear as if the clause commencing " Whenever," to the end of the Section, had been intended to be a Section by itself.

Court of the parish or precinct of every writ so issued, and the manner of its execution, at the like time, and shall pay over to the Receiver General every sum of money received by him, or his Deputy, on any such writ, within the like period, and under the like penalty, and shall be subject to the like examination touching any such writ as are by this Act provided in respect to other writs; and any writ not executed shall be included in any new roll to be issued by the Judge of the Circuit Court, and the duplicate of such roll, in all respects, in like manner, and within the like respective time, and with the like liability to pay over all money received on account of such writs, as is herein provided in respect to other non-executed writs under this Act; and every writ issued by any Justice under this Act shall be in all respects subject to the provisions of this Act, so far as the same may be applicable.

XI. THE Clerk of the Peace shall be entitled to a fee of Fees. two shillings and six-pence for each writ so issued, and two shillings and six-pence for each legal sheet of one hundred and sixty words which such rolls shall contain, including the returns thereto, and two shillings and six-pence for every discharge of any forfeited recognizance or fine; which several sums he shall retain out of any of the monies aforesaid received by him; and the Provost Marshal General, or his Deputy, shall be entitled to the usual and accustomed fees and commissions on all writs issued under the provisions of this Act; and in case the Provost Marshal General, or his Deputy, or the Clerk of the Peace, shall refuse or neglect to do and perform any duty, act or thing imposed on, or required from, him, or either of them, by this Act, such Provost Marshal General, or his Deputy, or Clerk of the Peace, so refusing or neglecting, shall forfeit and pay the sum of sixty pounds, to be recovered in a summary manner by application to the Supreme Court, together with the costs of such application.

Penalties to
whom to be
paid.

XII. EVERY penalty imposed by this Act shall, when recovered, be paid over to the Receiver General, to be applied to the use of the public of this Island.

XIII. [Repealing Section.]

XIV. THIS Act may be cited as the "FINES AND RECOGNIZANCES RECOVERY ACT, 1857."

SCHEDULE A.

FORM OF WRIT OF DISTINGAS AND CAPIAS.

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, and of Jamaica Lady, Defender of the Faith, &c.

To the Provost Marshal General, greeting:—

You are hereby required and commanded to levy the sum of _____ pounds upon the goods and chattels of _____, of the Parish of _____, &c.; and have the money ready for payment at the next Circuit Court, to be paid over in the manner directed by an Act made and passed in the _____ year of our reign, entitled "An Act to facilitate the recovery of forfeited recognizances and pecuniary fines;" and if you cannot levy the said sum of _____ pounds by reason of there being no goods or chattels to be found belonging to the said _____, then that you take the body of the said _____, and lodge him in the gaol or prison of the said Parish of _____, or the gaol or prison nearest thereto, there to await the decision of the Judge at the Circuit Court for the Parish [or precinct] of _____, unless the said _____ shall give sufficient security for his appearance at such Court; and have you then and there this writ.

Witness _____, Esquire, Judge of the Circuit Court for the Parish [precinct] of _____ at _____ the day of _____ in the _____ year of our reign.

[Seal.]

WHERE THE WRIT IS ISSUED BY ANY JUSTICE OF THE PEACE.

Witness. , Esquire, Justice of the Peace
in and for the Parish [or precinct] of , at
in the said parish or precinct, this day of
in the year of our Lord, 185 .

[Seal.]

SCHEDULE B.

[Parish] to wit.

Take notice that you of are bound in
the sum of pounds, and your sureties
of, &c., in the sum of pounds each to
appear at the Circuit Court for the Parish of [or pre-
cinct] of , to be holden at on the day
of next [or as the case may be in matters of sum-
mary jurisdiction]; and unless you personally make
your appearance accordingly, the recognizance entered
into by yourself and sureties will be forthwith levied on
you and them.

Dated the day of 18 .

[Signed by the Justice of the Peace.]

SCHEDULE C.

TO THE PROVOST MARSHAL GENERAL, AND ALL WHOM IT MAY
CONCERN.

Whereas hath appeared before the Judge of the
Circuit Court for the Parish [or precinct] of [as
the case may be] held at on the day
of [here describe the nature of the fine or for-
feiture], and hath made it appear to the satisfaction of
the said Judge that he should be relieved from the pay-
ment of the sum of pounds [or, if the penalty
is mitigated, state from what part thereof]; here state
the nature of the fine or forfeiture]: Be it therefore re-
membered that the said is by the said Court dis-

Recorded on
the 10th of
the month of
1857

charged from the said fine [or recognizance, as the case may be; or, if mitigated, state from what part], and from the writ issued thereon against him.

Dated this day of

By order of the Court.

[Signed by the Clerk of the Peace.]

CHAPTER XXIV.

AN ACT to explain the Fourth Victoria, chapter forty-two, and the Nineteenth Victoria, chapter thirty, and for the more effectual punishment of Obeah and Myalism.

WHEREAS doubts may be entertained as to the meaning of the words "Obeah" and "Myalism:" And whereas the practice of what is termed Obeah and Myalism is found to promote superstition, to cloak criminal intentions, and to endanger human life within this Island, and it is requisite to give increased power for the punishment of the same: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same :—

The offence
of Obeah and
Myalism de-
fined.

I. THAT from and after the passing of this Act, any person who shall for false, crafty, or unlawful purposes pretend to the possession of supernatural power, or who, by threat, promise, persuasion, or action, shall induce, or attempt to induce, any other person to believe that he can, by the exercise of any such supernatural power, bring about or effect any object, or carry out any design of his own, or of any other person, or, for the purpose of carrying out any such design or object, shall falsely, cunningly, or unlawfully make use of omens, spells, charms, incantations, or other preternatural devices, shall be deemed and taken to be an Obeah or Myal man, or a dealer in Obeah and Myalism; and the words

“Obeah” and “Myalism” shall be understood to be of one and the same meaning and the like offence.

II. AND whereas the dealers in Obeah and Myalism are in the habit of imposing on the ignorant by using certain charms, characters, or other things, which they pretend are possessed of some occult or unintelligible power in assisting them in their evil practices, and it is requisite to give increased power for the detection of the same; it shall be lawful, on an information on oath stating his reasons for his belief being laid before any Justice of the Peace, that any person within his jurisdiction is, by habit, an Obeah or Myal man, for such Justice to issue a search warrant, directed to any lawful Constable of the parish or precinct, authorising him to enter the dwelling or other premises of the party informed against, by force if necessary, between the hours of sunrise and sunset, and there make diligent search for any materials, charms, or other things as aforesaid; and if any such charms, characters, or other things as aforesaid be found, then to bring them with the party so informed against before the said or some other Justice of the Peace for the said parish, or precinct, who may commit the accused, in default of good and sufficient bail, to the nearest lock-up house or other place of detention, to be brought before the sitting Justices at the next Petty or some other Sessions of the Peace of the parish or precinct or district in which the offence was committed; and any Obeah or Myal man by habit and repute convicted before any two or more Justices of the Peace of the parish or precinct in which the offence was committed of having in his possession, or on his premises, any charm, character, or other thing as aforesaid, shall be sentenced to be imprisoned in the nearest district or other prison, there to be kept to hard labour for any period not exceeding sixty days.

Justice may
issue warrant
to search pre-
mises of
Obeah man
by repute.

If charms, &c.
found, party
may be appre-
hended, and
brought before
two Justices

III. THAT any person, either on behalf of himself or herself, or on account of any other person, who shall consult any one pretending to be a dealer in Obeah and Myalism, with the

Punishment
for consulting
obeah man.

intention of doing any person an injury, either in his person, situation, or property, or with any criminal intent not amounting to solicitation to commit felony, or any other crime now punishable by law, shall, on conviction before any two or more Justices of the Peace for the parish or precinct in which the offence was committed, be sentenced to hard labour in the nearest district or other prison for a period not exceeding three calendar months; and when any person shall consult any person pretending to be a dealer in Obeah and Myalism to effect, by the exercise of his pretended power as an Obeah or Myal man, any object, or bring about some event, although not injurious to others, nor connected with any criminal intent, but which the said consulting party wishes to accomplish by the supposed supernatural agency of Obeah or Myalism, such party so consulting such Obeah or Myal man shall, for every such offence, forfeit and pay a fine not exceeding forty shillings, exclusive of the costs; and, in default of payment of such fine at such time as the Justices may direct, be imprisoned in the nearest district or other prison, without hard labour for a period not exceeding thirty days.

Interpretation.

IV. WHENEVER this Act hath used words importing the singular number or the masculine gender only, it shall be understood to include several matters, as well as one matter, and several persons as well as one person, and females as well as males, unless there be something in the context repugnant to such construction.

CHAPTER XXX.

AN Act for amending the Law for granting Patents for Inventions.

WHEREAS it is expedient to amend the Law concerning Letters Patent for Inventions: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I.

AS TO THE MANNER OF APPLYING FOR AND OBTAINING LETTERS
PATENT.

I. FROM and after the publication of this Act, whenever any person whosoever shall, by himself, or if he be an absentee, by his attorney, apply to the Governor, by way of petition, to be lodged at the office of the Executive Committee, and alleging that he hath invented or discovered some new and useful act, machine, manufacture, or composition of matter, not theretofore known or used within this Island, or some improvement in any such invention or discovery, and praying to obtain an exclusive property in such new invention and discovery or improvement, and that Letters Patent be granted for the same, it shall be lawful for the Governor, in the name or and on behalf of her Majesty, her heirs and successors, by and with the advice and consent of the Executive Committee, to direct Letters Patent, under the Broad Seal of this Island, to be issued; which Letters Patent shall recite the allegations and suggestions of the said petition so to be preferred as aforesaid, and shall therein give a short description of the said invention or discovery or improvement; and thereupon shall grant to such person so applying for the same, his executors, and administrators, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, and using, and vending to others to be used, the said new invention or discovery or improvement; and such Letters Patent shall be signed by the Governor, and shall be good and available to the grantee therein named by force of this Act: Provided, that it shall be lawful for the Governor, in Executive Committee, if they should deem it expedient, to insert in any such Letters Patent a provision extending the operation thereof for a further term of seven years.

Patent for
invention may
be granted by
Governor on
petition.

II. Before any Letters Patent shall be signed and issued, the petition, specification, and declaration delivered there-

Petition to be
referred to At-
torney General.

with shall be referred to her Majesty's Attorney General of this Island, who shall examine the same, and shall be at liberty to call to his aid such scientific or other person as he may think fit; and to cause to be paid to such person, by the applicant, such remuneration as the Attorney General shall appoint, not exceeding five pounds; and if the Attorney General shall be satisfied that the application is such as may properly be granted under the provisions of this Act, and that the specification describes the nature of the invention, discovery, or improvement, he shall allow the same, and give a certificate of his allowance, and return the same petition, specification, and declaration, together with his certificate, into the office of the Executive Committee; and if the Attorney General shall not allow such application, he shall certify to the Governor his reasons for not so doing.

Petitioner to
make declara-
tion that he is
the true inven-
tor, &c.

III. BEFORE any person shall obtain or receive any Letters Patent under this Act, such person, or if he be an absentee, his attorney, shall make solemn declaration, in writing, before a Justice of the Peace in this Island, that he doth verily believe that he is the true inventor, or discoverer, of the art, machine, composition of matter, or improvement, for which he solicits Letters Patent; and that such invention, or discovery, or improvement, hath not, to the best of his knowledge or belief, been known or used in this Island; which declaration shall be delivered together with the petition for such Letters Patent.

and deliver
specification
&c.

IV. BEFORE any person shall receive or obtain any Letters Patent as aforesaid, such person, or his attorney, shall also deliver, together with such petition and declaration as aforesaid a written description or specification of his invention, and of the manner of using, or process of compounding the same, in such full, clear, and exact terms as to distinguish the same from all other things before known or used in this Island, and to enable any person skilled in the art or science

of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same; and in case of any machine shall deliver a model thereof, and shall explain the principle and the several modes in which such person hath contemplated the application of that principle, or character, by which it may be distinguished from other inventions; and shall accompany the whole with drawings and written references, where the nature of the case admits of drawings or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter; which description or specification shall be signed by such person or his Attorney as aforesaid so applying for such Letters Patent, and attested by two witnesses: Provided that where from the complicated nature of any machinery, the cost of a model thereof may be so great as to prevent any ingenious but poor persons from obtaining patents for their useful inventions, it shall and may be lawful for the Governor, by and with the advice and consent of the Executive Committee, if they shall see fit and proper under all the circumstances so to do, to dispense with the delivery of such model previous to the granting of any such patent; and in such case, the requisitions of this Act being in all other respects complied with, the person applying for any patent shall be entitled thereto in the same manner as if such model had been so lodged as aforesaid.

V. THAT together with the said petition the applicant for such Letters Patent shall pay and deposit a sum of five pounds to be paid by way of fee to the Attorney General on such reference of such petition as aforesaid. Fee to Attorney General.

VI. No Letters Patent shall be granted under or by virtue of this Act, until notice shall be published in the Jamaica Gazette by authority, and one other of the newspapers of this Colony, for at least four weeks, of the intention of the applicant to apply for such Letters Patent; and such notice shall Notice in Gazette.

contain, in general terms, the description of invention or improvement for which such Letters Patent shall be desired.

II.

LIMITATION OF TIME FOR BRINGING LETTERS PATENT INTO OPERATION.

Patent must be brought into operation within two years.

VII. If any Letters Patent which may be taken out under or by virtue of this Act shall not have been brought into operation within two years next ensuing from and after the date thereof, such Letters Patent shall, at the expiration of the said period of two years, be deemed to be forfeited, and shall thence be and become void and of no effect.

III.

AS TO THE SEALING, DATE, TIME OF ISSUE, AND RENEWAL OF LETTERS PATENT.

Date of Patent.

VIII. It shall be lawful to cause any Letters Patent to be issued under this Act to be sealed and bear date as of the day of the application for the same, or where the Attorney General or the Governor in Executive Committee may think fit any such Letters Patent as aforesaid may be sealed and bear, date as of the day of the sealing thereof, or of any other day between the day of such application and the day of such sealing.

Antedated Patent.

IX. ANY Letters Patent issued under this Act, sealed and bearing date as of any day prior to the day of the actual sealing thereof, shall be of the same force and validity as if they had been sealed on the day as of which the same are expressed to be sealed and bear date.

Limitation of time for issuing Patent.

X. PROVIDED, that no Letters Patent, save in the case of Letters Patent destroyed or lost, shall issue, unless the same shall be applied for within three months after the date of the filing of the applicant's petition.

Patent may issue to executors.

XI. PROVIDED, that where the applicant for Letters Patent dies during the pendency of his application, such Letters Patent may be granted to the executors or administrators of

such applicant, at any time within three months after his death; and the Letters Patent so granted shall be of the like force and effect as if they had been granted to such applicant during his life time.

XII. PROVIDED, that in case any Letters Patent, to be issued under this Act shall be destroyed or lost, other Letters Patent, of the like tenor and effect, and sealed and dated as of the same day, may subject to such regulations as the Governor in Executive Committee may direct, be issued under the authority of the grant in pursuance of which the original Letters Patent were issued. Patents lost or destroyed.

XIII. IN case of any Letters Patent for any invention being obtained in fraud of the true and first inventor, any Letter Patent granted to the true and first inventor, of such invention shall not be invalidated by reason of such other Letters Patent as aforesaid, or of any use or publication of the invention subsequent to the granting of such other Letters Patent as last-mentioned. Patents obtained by fraud not to invalidate that of true inventor.

IV.

MUTUAL RIGHTS IN INVENTION, AND IN ANY IMPROVEMENT THEREIN.

XIV. WHERE any Letters Patent shall be obtained by any person under this Act for any new and useful invention or discovery in any act, machine, or composition of matter; and thereafter any other person shall discover or make any improvement in the principle or process of any such art, machine, or composition of matter for which such patent hath been granted, and shall make application for and obtain Letters Patent under this Act for the exclusive right of such improvement, it shall not be lawful for the person who shall obtain and procure Letters Patent for any such improvement to make, use, or vend the original invention or discovery, nor for the person who shall have procured Letters Patent for the original invention or discovery to make use or vend any such Patents for improvements in what already patented.

improvement : Provided, that simply changing the form or the proportions of any machine or composition of matter, in any degree, shall not be deemed a discovery or improvement within the meaning of this Act.

V.

RIGHT OF PATENTEE ELSEWHERE TO PROCEED UNDER THIS ACT FOR LETTERS PATENT.

Patent may be granted here though patent for same invention elsewhere,

XV. No applicant shall be deprived of his right to a patent in this Colony upon the like proceedings being had in all respects as in case of an original application for his invention by reason of his having previously taken out Letters Patent therefor in any other country : Provided, that such invention shall not have been introduced into public and common use in this Colony prior to the application for a patent therein ; and that the patent granted in this Colony shall not continue in force after the expiration of the patent granted elsewhere ; and that where more than one such patent or like privilege is obtained abroad, then immediately upon the expiration or determination of the term which shall first expire or be determined of such several patents or like privileges, the patents granted in this Colony shall cease to be in force : Provided further, that no Letters Patent for or in respect of any invention for which any such patent or like privilege as aforesaid shall have been obtained elsewhere, and which shall be granted in this Colony after the expiration of the term for which such patent or privilege was granted or was in force shall be of any validity.

VI.

POWER OF ASSIGNMENT.

Patentees may assign their rights.

XVI. ANY patentee under Letters Patent issued under this Act, his executors, administrators, or assigns, may assign and transfer *the whole** or any part of his right, title, and interest in the said invention and discovery in the Letters Patent to him granted to any person whomsoever ; and the assignee

* Words in italics not in Original.

thereof, having recorded the said assignment in the office of the Island Secretary, shall thereafter stand in the place and stead of the original patentee, as well as to all, or the part assigned, of the right, privilege, and advantage, as also in respect of all or proportionate liability or responsibility as to the said Letters Patent, and the invention and discovery thereby secured; and in like manner shall the assignees of any such assignee stand and be considered to be in the place and stead of the original patentee or inventor.

VII.

RIGHT OF ASSIGNEE OF PATENTEE ELSEWHERE TO APPLY UNDER THIS ACT FOR LETTERS PATENT.

XVII. LETTERS Patent may, upon the like proceedings being had in all respects as in the case of an original application, be issued by the Governor in Executive Committee to the assignee of any person who may have taken out Letters Patent for his invention or discovery in any other country, but not for any invention or discovery made abroad for which no Letters Patent have been there obtained: Provided, that the invention or discovery so assigned shall not have been introduced into public and common use into this colony prior to the application for a patent; and that the assignee of such foreign patent shall file with his application the assignment, duly proved, under which he claims a patent in this Colony, and an affidavit setting forth the date of the patent abroad, that the article thereby patented has not been in public and common use in this Colony, and that he is the assignee for a good consideration.

Patent may be granted to assignee of patentee elsewhere.

VIII.

AS TO CLAIM FOR LARGER INVENTION THAN ACTUALLY INVENTED, OR DEFECTIVE OR INSUFFICIENT SPECIFICATION.

XVIII. If in any suit or action it shall be proved, or specially found by the verdict of a jury, that by mistake, accident, or inadvertence, and without any wilful default,

Patents to be valid in Law only for so much as shall

be proved to be
of new inven-
tion.

or intent to defraud or mislead the public, a patentee under this Act shall in his specification have claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, but of which part he was not the original or first inventor, and shall have no just or legal right to claim the same, his patent in such case shall be deemed good and valid for so much of the invention, or discovery, or improvement, as shall be actually his own, provided it is a material and substantial part of the thing patented, and be plainly distinguishable from other parts patented without right; and every such patentee, and his legal representatives or assignees, whether holding the whole or a particular interest in the patent, may maintain suits at law or in equity for any infringement of such part of the same as is actually the invention or discovery of such patentee, although his specification may embrace more than he has a legal right to claim; but if in such case the plaintiff shall obtain a verdict, or judgment, he shall not be entitled to costs, unless before the commencement of the suit he shall have filed in the office of the Island Secretary a disclaimer, attested by one, or more than one witness of that part of the thing patented which was claimed without right: Provided that no person bringing a suit shall be entitled to the benefits of this section, if he shall, in the opinion of the Court before which any such matter shall be tried, have unreasonably neglected, or delayed, to record his disclaimer.

Patents void by
defective des-
cription, arising
from error may
be renewed.

XIX. If any patent shall become inoperative or invalid by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification as his own invention more than he had a right to claim, and the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Governor in Executive Committee, upon the surrender of such patent, and upon petition therefor to cause a new patent to be issued to the patentee for the

residue of the term mentioned in the first patent, in accordance with the patentee's amended description and specification. In case of his death, or the assignment by him of the original patent, or any fractional interest therein, the right shall vest in his legal representatives, to the extent of their respective interest in such patent; and the patent so re-issued, together with the amended description and specification, shall have the same effect and operation in law, as though the same had been originally filed in such amended form before the issuing of the original patent.

IX.

AS TO MODE OF ENTERING DISCLAIMERS AND ALTERATIONS OR ADDING TO SPECIFICATIONS.

XX. EVERY patentee under this Act, or his legal representative or assignee, whether holding the whole or any particular interest, may conjointly or separately, as the case may require, enter and record, at the Island Secretary's Office, having first obtained the leave of her Majesty's Attorney General certified by his fiat and signature, a disclaimer of any part of either the title of the invention or improvement, or of the specification, stating the reason for such disclaimer; or may, with such leave as aforesaid, enter and record at the said office a memorandum of any alteration in the said title or specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said Letters Patent; and such disclaimer or memorandum of alteration, being recorded by the said Island Secretary, shall be deemed and taken to be part of such Letters Patent, or such specification, in all Courts whatever: Provided, that any person may enter a caveat at the said Office of the Island Secretary against such disclaimer or alteration; which caveat being so entered, and a copy thereof being left with the Attorney General, shall give the party entering the same a right to have notice of the application being heard by the Attorney General: Provided also, that no such disclaimer or alteration shall be receivable

Disclaimer or
alteration of any
part of patent
may be
recorded.

in evidence in any action or suit (save and except in any proceeding by *scire facias*) pending at the time when such disclaimer or alteration was entered; but in every such action or suit the original title and specification alone shall be given in evidence, and deemed and taken to be the title and specification of the invention for which the Letters Patent have been, or shall have been granted: Provided also, that it shall be lawful for the Attorney General, before granting such fiat, to require the party applying for the same to advertise his disclaimer or alteration in such manner as to such Attorney General shall seem right, and shall, if he so require such advertisement, certify in his fiat that the same has been duly made.

Costs on
alteration or
disclaimer.

XXI. It shall be lawful for the Attorney General, if he see fit, by certificate under his hand, to order by or to whom the costs of any hearing or enquiry for any such alteration or disclaimer shall be paid, and in what manner and by whom such costs are to be ascertained; and if any costs so ordered to be paid be not paid within four days after the amount thereof shall be so ascertained, it shall be lawful for the Attorney General to make an order for the payment of the same, and every such order may be made a Rule of the Supreme Court of this Island.

Improvement
upon original
invention or
discovery.

XXII. If an original patentee shall be desirous of adding a description and specification of an improvement upon his original invention or discovery, made or discovered by him subsequent to the date of his patent, he may upon the like proceedings being had in all respects as* in the case of an original application, have the same annexed to his original description and specification; and the Island Secretary shall certify upon such annexed description and specification the time of its being annexed and recorded; and thereafter it shall have the same effect in law as if it had been embraced in the original description and specification, and had been recorded therewith.

* "and" in Original.

X.

AS TO FILING AND RECORDING PROCEEDINGS, OFFICE COPIES,
DRAWINGS, &c.

XXIII. EVERY petition for the grant of Letters Patent under this Act, and the declaration and specification required to accompany such petition, and every certificate or warrant thereon, shall be left at the office of the Executive Committee; and the day of the delivery of every such petition, declaration and specification, certificate, or warrant, and the date of every reference, shall be endorsed or written thereon respectively by the Secretary of the Executive Committee; and an acknowledgment of receipt therefor, either separately or together, as the same may be delivered, shall be given to the petitioner or person delivering the same respectively, or his agent; and all such petitions, declarations and specifications, references, certificates, or warrants, when Letters Patent shall be granted, and all Letters Patent, disclaimers, and memoranda of alteration and assignments, shall be lodged, filed, and preserved in the office of the Secretary of this Island, and shall be there recorded in, or in continuation of, the books of records of patents hitherto kept at such office; and a receipt therefor shall be given by the Island Secretary; and a registry of such petitions, declarations, specifications, references, certificates, warrants, Letters Patent, disclaimers, and memoranda of alteration, and of all proceedings thereon, shall be kept at such office; and for recording every such petition, declaration, specification, reference, certificate, or warrant, Letters Patent, disclaimer, and memoranda of alteration, and for every receipt granted therefor as aforesaid, there shall be paid to the Island Secretary, by the person lodging the same, the like respective fee, or at the like rate, as is payable in the case of every deed recorded in the said office, and as is payable for every receipt granted by the Island Secretary for every deed there recorded.

Rules as to
filing and
recording.

Office copies.

XXIV. It shall and may be lawful for any person to obtain and receive from the office of the Island Secretary any copy or copies certified by him of any such Letters Patent, or of the petition, declaration, specification, reference, certificate, or warrant, wherever the same were granted or issued, or of any disclaimer, memorandum, document, or paper connected therewith, or any drawing relating to the same, on payment for such copy or copies of the like fees as are now payable at the office of the Island Secretary for copies of other documents; and every such certified copy shall be evidence in all Courts.

Drawings
attached to
specifications.

XXV. IN case reference is made to drawings in any specification deposited or filed under this Act, an extra copy of such drawings shall be left with such specification; and the same shall be bound up in a suitable book, to be kept for such purpose, and plain, accurate, and sufficient notes of reference to the specification wherewith such drawings shall have been deposited shall be made on, or annexed to, such drawings, and bound up with the same, in such manner as that such reference may be easily seen and understood.

XXVI. *

XI.

AS TO PLEADINGS AND COSTS IN ACTIONS.

In actions for
infringement
of patents par-
ticulars of
breaches to be
delivered, &c.

XXVII. IN any action for the infringement of Letters Patent the plaintiff shall deliver with his declaration concise particulars of the breaches complained of in the said action, and the defendant, on pleading thereto, shall deliver with his plea, and the prosecutor in any proceedings by *scire facias* to repeal Letters Patent shall deliver with his declaration, concise particulars of any objections on which he means to rely at the trial in support of the pleas in the said action, or of the suggestions of the said declaration in the proceedings by *scire facias*; and at the trial of such action or proceeding

* Repealed by Sec. 2 of Law 6 of 1879.

by *scire facias* no evidence shall be allowed to be given in support of any alleged infringement, or of any objection impeaching the validity of such Letters Patent, which shall not be contained in the particulars delivered as aforesaid: Provided, that the place or places at or in which, and in what manner the invention is alleged to have been used or published prior to the date of the Letters Patent shall be stated in such particulars: Provided also, that it shall and may be lawful for any Judge at Chambers to allow such plaintiff or defendant or prosecutor respectively to amend the particulars delivered as aforesaid, upon such terms as to such Judge shall seem fit: Provided also, that at the trial of any proceeding by *scire facias* to repeal Letters Patent, the defendant shall be entitled to begin and to give evidence in support of such Letters Patent; and in case evidence shall be adduced on the part of the prosecutor impeaching the validity of such Letters Patent, the defendant shall be entitled to the reply.

XXVIII. In any action for the infringement of Letters Patent, the defendant shall not plead any other plea than the general issue, which shall put the plaintiff to such proof in support of his action, and let in such evidence for the defendant, as in any action under such plea the defendant may, or the plaintiff at present is required to, adduce; nevertheless the defendant shall be at liberty, along with such plea, to give notice by endorsement thereon, or annexed to such plea, of any special defence which he might by the present practice offer under a special plea, and for which he would be required to plead specially: Provided, that the defendant shall at the trial be bound by such notice, and not be at liberty to go into evidence of any other defence which by the present rules of pleading he would be restricted from giving except under some plea for that purpose specially pleaded; and if the plaintiff would, under the present rules of pleading, be entitled to set up one of two answers to such

Action for
infringement
of patent.

special defence, he shall be required to endorse upon his similitur to the defendant's plea the nature of such answer, and shall at the trial be precluded from entering into evidence in support of any other answer: Provided further, that nothing herein contained shall be construed to prevent any party to an action or suit from filing a general or a special demurrer.

Court may grant injunction, inspection, or account.

XXIX. In any action in any of her Majesty's Courts of record in this Island for the infringement of Letters Patent, it shall be lawful for the Court in which such action is pending, if the Court be then sitting, or if the Court be not sitting, then for a Judge of such Court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection and account, and the proceedings therein respectively, as to such Court or Judge may seem fit.

Costs in action for infringement of patent.

XXX. In taxing the costs in any action in any of her Majesty's Courts of Record in this Island commenced after the passing of this Act for infringing Letters Patent, regard shall be had to the particulars delivered in such action; and the plaintiff and defendant respectively shall not be allowed any costs in respect of any particular unless certified by the Judge before whom the trial was had to have been proved by such plaintiff or defendant respectively, without regard to the general costs of the cause; and it shall be lawful for the Judge before whom any such action shall be tried to certify on the record that the validity of the Letters Patent in the declaration mentioned came in question; and the record with such certificate being given in evidence in any suit or action for infringing the said Letters Patent, or in any proceeding by *scire facias* to repeal the Letters Patent, shall entitle the plaintiff in any such suit or action, or the defendant in such proceeding by *scire facias*, on obtaining a decree,

decretal order, or final judgment, to his full costs, charges and expenses, taxed as between attorney and client, unless the Judge making such decree or order, or the Judge trying such action or proceeding, shall certify that the plaintiff or defendant respectively ought not to have such full costs.

XII.

PENALTY FOR USER, OR FOR IMITATION, OR COUNTERFEIT, WITHOUT CONSENT.

XXXI. WHENEVER in any case any Letters Patent shall be, or shall or may have been, granted to any person, under and by virtue of this Act, and any person, without the consent of the patentee, his executors, administrators, or assigns first had and obtained in writing, shall make, devise, use, or sell the thing, invention, or discovery whereof the exclusive right is secured to the said patentee by such Letters Patent, such person so offending shall forfeit and pay to the said patentee, his executors, administrators, or assigns a sum equal to three times the actual damage sustained by such patentee, his executors, administrators, or assigns, from or by reason of such offence; which sum shall and may be recoverable, together with costs of suit, by action on the case, founded on this Act, in the Supreme Court of this Island.

Treble damages to be paid to patentee for unlawful use of his invention.

XXXII. If any person shall write, paint, or print, or mould, cast, or carve, or engrave, or stamp upon anything made, used or sold by him for the sole making or selling of which he hath not or shall not have obtained Letters Patent, the name, or any imitation of the name, of any other person who hath or shall have obtained Letters Patent for the sole making and vending of such thing, without leave in writing of such patentee, or his assigns; or if any person shall, upon such thing, not having been purchased from the patentee or some person who purchased it from or under such patentee, or not having had the licence or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve,

Penalty for making false marks.

engrave, stamp, or otherwise mark the words "Patent," the words "Letters Patent," or the words "by the Queen's Patent," or any words of the like kind, meaning, or import, with a view of imitating or counterfeiting the stamp, mark, or other device of the patentee; or shall, in any other manner, imitate or counterfeit the stamp or mark, or other device of the patentee, he shall for every such offence, be liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, process, or information, in her Majesty's Supreme Court of this Island, one half to her Majesty, her heirs, and successors, and the other to any person who shall sue for the same: Provided, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping, or in any way marking, the words "Patent" upon anything made, for the sole making or vending of which a patent before obtained shall have expired.

XIII.

AS TO FORMS AND STAMPS.

Forms.

XXXIII. THE several forms in the Schedule to this Act may be used for and in respect of the several matters therein mentioned, and the same may be varied as occasion may require.

Stamp duties.

XXXIV. THE respective stamp duties set forth in the Schedule hereunto annexed shall be charged on Letters Patent and the other instruments therein stated under this Act respectively, and no other stamp duties shall be chargeable thereon respectively.

XIV.

AS TO THE WRIT OF SCIRE FACIAS.

XXXV. PROVIDED, that the writ of *scire facias* shall lie for the repeal of any Letters Patent issued under this Act, in the like cases as the same would lie for the repeal of Letters Patent which may now be issued under the great seal in England.

XV.

CONSTRUCTION OF ACT.

XXXVI. If any doubts shall arise in the construction of this Act, the same may be construed by analogy to the laws now or hereafter to be in force in England relating to the granting of Letters Patent for inventions, so far as the provisions of such laws shall be applicable.

XVI.

COMMISSIONERS TO BE ASSOCIATED.

XXXVII. It shall be lawful for the Governor from time to time by warrant under his sign manual which shall be free from stamp duty, to appoint such persons as he may think fit to be Commissioners under this Act; and every person so appointed shall continue such Commissioner during the Governor's pleasure, and may be summoned to attend any meeting, and take part in any proceedings, of the Governor in Executive Committee, in any matter or proceeding arising under this Act.

XVII.

MISCELLANEOUS CLAUSES.

XXXVIII. In the construction of this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to, or inconsistent with the context, that is to say, the expression "invention," "discovery" and "improvement" respectively shall mean any manner of new manufacture or new mode of manufacture the subject of Letters Patent and grant of privilege within the meaning of the Act of the twenty-first year of the reign of King James the First, chapter three; the expressions "petition" "declaration" "reference" "certificate" or "warrant" and "Letters Patent" respectively shall mean instruments in the form and to the effect in the Schedule hereto annexed, subject to such alterations as may from time to time be made therein under the powers and provisions of this Act.

Inter-
pre-
tation.

Short title.

XXXIX. IN citing this Act in other Acts, instruments and proceedings, it shall be sufficient to use the expression "THE PATENT LAW AMENDMENT ACT, 1857."

XI. [Repealing Section].

Patents not
granted here
of no validity.

XLI. No Letters Patent heretofore obtained, or hereafter to be obtained, in Great Britain, or elsewhere, for the exclusive privilege of trade or manufacture, or any invention in connection therewith, shall be of any validity or effect in this Island, unless Letters Patent for the privilege or invention in such foreign Letters Patent may have been obtained shall be granted and issued in pursuance of this Act, nor until all the provisions and requirements of this Act shall have been complied with in respect to Letters Patent.

SCHEDULE OF STAMP DUTIES.

Letters Patent	...	...	£5	0	0
Petition	...	...	0	1	6
Declaration	...	...	0	1	6
Specification	...	..	0	5	0
Reference	..	...	
Certificate or warrant of Attorney General					
Disclaimer or Memorandum of alteration			0	1	6
Assignment	..	...	0	10	0

FORMS.

PETITION.

To His Excellency, &c., &c., [here insert name and title of Governor]

The humble petition of [here insert name and address of petitioner] for, &c.

Sheweth,

That your petitioner as in possession of an invention for

[The Title of the Invention]

which invention he believes will be of great public utility; that he is the true and first inventor thereof, and that the same is not in use by any other person or persons to the best of his knowledge and belief.

Your petitioner therefore humbly prays that your Excellency will be pleased, in the name and on behalf of her Majesty the Queen, to grant unto him, his executors, administrators, and assigns, her Majesty's Letters Patent for this Island for the term of fourteen years pursuant to the statute in that case made and provided.

And your petitioner will ever pray, &c.

DECLARATION.

I, of in the county of do solemnly and sincerely declare that I am in possession of an invention for, &c., &c.

[The Title as in Petition]

which invention I believe will be of great public utility; that I am the true and first inventor thereof, and that the same is not in use by any other person or persons, to the best of my knowledge and belief; and that the instrument in writing under my hand and seal hereunto annexed particularly describes and ascertains the nature of the said invention, and the manner in which the same is to be performed; and I make this declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed.

A. B.

Declared at this day of
A.D. before me.

, Justice of the Peace.

SPECIFICATION.

To all to whom these presents shall come :—

I of send greeting : Know ye that
I the said , do hereby declare the nature of
my invention for

[Insert Title as in Petition]

and in what manner the same is to be performed, to be
particularly described and ascertained in and by the fol-
lowing statement (that is to say) :—

[Here describe the Invention]

In witness whereof I the said A. B. have heretofore set
my hand this day of A.D.

We attest :

C. D. of &c.

E. F. of &c.

REFERENCE.

[To be endorsed on the Petition]

His Excellency is pleased to refer this petition to her
Majesty's Attorney General to consider what may be pro-
perly done therein.

Secretary to the Executive Committee.

WARRANT.

In obedience to his Excellency's command referring
to me the petition of , of , to con-
sider what may be properly done therein, I do hereby
certify as follows :—that the said petition sets forth that
the petitioner

[Allegations of the Petition]

And the petitioner most humbly prays

[Prayer of the Petition]

That, in support of the allegations contained in the said petition, the declaration of the petitioner has been laid before me, whereby he solemnly declares that

[Allegations of the Declaration]

That there has also been laid before me a specification signed _____ and attested by two witnesses, and also a certificate of the filing thereof.

That it appears that the said application was duly advertised. Upon consideration of all the matters aforesaid, and as it is entirely at the hazard of the said petitioner whether the said invention is new, or will have the desired success, and as may be reasonable for his Excellency to encourage all arts and inventions which may be for the public good, I am of opinion that his Excellency may grant Letters Patent unto the petitioner, his executors, administrators, and assigns, for his said invention, within this Island, for the term of fourteen years, according to the statute in that case made and provided, if his Excellency shall be graciously pleased so to do, to the tenor and effect following :—

[See forms Letters Patent]

Given under my hand this _____ day of _____
A.D.

Attorney General, Jamaica.

LETTERS PATENT.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, and of Jamaica Lady, Defender of the Faith.

To all to whom these presents shall come greeting :—

Whereas _____ hath by his petition, humbly represented unto our Captain-General and Governor-in-Chief of our Island of Jamaica that he is in possession of an invention for _____

[Insert Title of Invention],

which the petitioner conceives will be of great public utility; that he is the true and first inventor thereof, and that the same is not in use by any other person or persons, to the best of his knowledge and belief. The petitioner therefore most humbly prayed that we should be graciously pleased to grant unto him, his executors, administrators, and assigns our Royal Letters Patent for the sole use, benefit and advantage of his said invention, within our said Island of Jamaica, for the term of fourteen years, pursuant to the Statute in that case made and provided.

And whereas the said hath particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing, under his hand, and has caused the same to be duly filed in the office of the Island Secretary.

And we, being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to condescend to the request.

Know ye therefore that we, of our especial grace, certain knowledge, and mere motion, have given and granted and by these presents, for us, our heirs, and successors, do give and grant, unto the said his executors, administrators, and assigns, our especial licence, full power, sole privilege and authority, that he the said his executors, administrators and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants, or agents, or such others as he the said his executors, administrators and assigns shall at any time agree with, and no others, from time to time, and at all times hereafter, during the term of years herein expressed, shall and

lawfully may make, use, exercise, and vend his said invention, within our said Island of Jamaica, in such manner as to him the said

his executors, administrators, and assigns, or any of them, shall in his or their discretion seem meet; and that he the said

his executors, administrators, and assigns shall and lawfully may have and enjoy the whole profit, benefit, commodity and advantage, and enjoy from time to time,* coming, growing, accruing, and arising by reason of the said invention, for and during the term of years herein mentioned; to have, hold, exercise, and enjoy the said licences, powers, privileges, and advantages hereinbefore granted, or mentioned to be granted, unto the said

, his executors, or administrators, and assigns, for and during, and unto the full end and term of, fourteen years, from the day of

A.D. next and immediately ensuing, and according to the Statute in such case made and provided; and to the end that he the said

, his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit, and the sole use and exercise of the said invention, according to our gracious intention hereinbefore declared, we do by these presents, for us, our heirs and successors, require and strictly command all and every person and persons, Bodies Politic and Corporate, and all other our subjects whatsoever, of what estate, quality, degree, name, or condition soever they be within our said Island of Jamaica, that neither they, nor any of them, at any time during the continuance of the said term of fourteen years hereby granted, either directly or indirectly, do make, use, or put in practice the said invention, or any part of the same, so attained unto by the said as aforesaid; nor in anywise counterfeit, imitate, or resemble the same; nor shall

* So in Original.

make, or cause to be made, any addition thereto, or subtraction from, the same, whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the consent, license, or agreement of the said _____, his executors, administrators or

assigns, in writing, under his or their hands and seals, first had and obtained in that behalf; upon such pains and penalties as can or may be justly inflicted on such offenders for their contempt of this our royal command; and further to be answerable to the said

his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned; and moreover we do, by these presents, for us, our heirs and successors, will and command all and singular the Justices of the Peace, Constables, and all other Officers and Ministers whatsoever, our heirs and successors for the time being, that they, or any of them, do not nor shall at any time during the said term hereby granted in anywise molest, trouble, or hinder the said _____ his

executors, administrators, or assigns, or any of them, or his or their deputies, servants, or agents, in or about the due and lawful use or exercise of the aforesaid invention or anything relating thereto: Provided always, and these our Letters Patent are and shall be upon this condition: That if, at any time during the said term hereby granted it shall be made to appear to us, our heirs and successors, or any six or more of our, or their, Privy Council of our said Island of Jamaica, that this our grant is contrary to law, or prejudicial, or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof, or that the said _____ is not the true and first in-

ventor thereof within this Island as aforesaid, these our Letters Patent shall forthwith cease, determine, and be utterly void, to all intents and purposes, anything herein-

before contained to the contrary thereof in anywise notwithstanding: Provided also, that these our Letters Patent, or anything herein contained, shall not extend, or be construed to extend, to give privilege unto the said _____, his executors, administrators, and assigns, or any of them, to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other of our subjects whatsoever, and publicly used or exercised, unto whom our like Letters Patent or privileges have been already granted for the sole use, exercise, and benefit thereof; it being our will and pleasure that the said _____ his executors, and administrators, assigns, and all and every other person and persons to whom like Letters Patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out, according to the true intent and meaning of the same respective Letters Patent, and of these presents: Provided likewise nevertheless, and these our Letters Patent are upon this express condition, that if the said instrument in writing, filed as aforesaid, does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed; and also, if the said _____ his executors, administrators, or assigns, shall not supply or cause to be supplied, for our service, all such articles of the said invention as he or they shall be required to supply by the Officers or Commissioners administering the department of our service for the use of which the same shall be required, in such manner, at such times, and at and upon such reasonable prices and terms, as shall be settled for for that purpose by the said Officers or Commissioners requiring the same, that then and in any, of the said cases, these our Letters Patent, and all liberties and advantages hereby granted, shall utterly cease, de-

termine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding : Provided, that nothing herein contained, shall prevent the granting of licenses in such manner, and for such considerations, as they may by law be granted : And lastly we do, by these presents, for us our heirs and successors, grant unto the said

, his executors, administrators, or assigns, that these our Letters Patent, on the filing thereof, shall be, in and by all things good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favorable and beneficial sense for the best advantage of the said , his executors, administrators and assigns, as well in all our Courts of Record as elsewhere, and by all and singular the Officers and Ministers whatsoever of us, our heirs and successors, in our said Island of Jamaica, and amongst all and every the subjects of us, our heirs and successors, within our said Island of Jamaica, notwithstanding the not full and certain describing the nature and quality of the said invention or of the materials thereunto conducing and belonging : Provided further, that if the said , his heirs, administrators, or assigns, shall, upon petition, presented to our Captain-General and Governor-in-Chief, or Officer Administering the Government of our said Island before the expiration of the term of years hereby granted, show that he or they has or hath been unable to obtain a due remuneration for his or their expense or labour in perfecting the aforesaid invention ; and our Captain-General and Governor-in-Chief, or Officer Administering the Government as aforesaid, in Executive Committee, shall be of opinion that an extension of the term of years aforesaid should be granted, it shall be lawful for our Captain-General and Governor-in-Chief, or Officer Administering

the Government as aforesaid, to extend the term of years aforesaid for any further period not exceeding seven years, and to sign and issue in the name and on the behalf of us, our heirs or successors, new Letters Patent, in the form or of the tenour or effect aforesaid, unto the said _____, his executors, administrators, or assigns, for the aforesaid invention, for any such further period not exceeding seven years as aforesaid, accordingly; and to the end aforesaid, we have caused these our Letters Patent to be sealed with the Broad Seal of our said Island of Jamaica.

[Seal]—Witness his Excellency, &c., &c., &c., Captain-General and Governor-in-Chief [or Administering the Government] of our said Island or Jamaica, and the Territories thereon depending, Chancellor and Vice-Admiral of the same, at Saint Jago de la Vega, this _____ day of _____, Annoque Domini _____ and in the _____ year of our reign.

CHAPTER XXXI.

AN ACT for the abolition of Fees to Justices of the Peace.

WHEREAS it is advisable to abolish the fees now by law payable to Justices of the Peace throughout the Island, and to repeal the sixteenth section of the Act Tenth Ann, chapter four: Be it therefore enacted by the Governor, Legislative Council, and it is hereby enacted by the authority of the same, that no Justice of the Peace shall hereafter be entitled to demand or receive any fee for the performance of any act or duty required of him in that capacity; and the sixteenth section of the Act passed in the tenth year of the reign of Queen Anne, chapter four, and all other Acts giving fees to Justices of the Peace, shall, so far as relates to such fees, be repealed.

CHAPTER XXXIV.

AN ACT to provide funds for the improvement and repair of the Main Roads and Bridges to be transferred to the management of Main Road Commissioners, to appropriate the land and quit-rent taxes, and declare the same redeemable for that purpose.*

CHAPTER XLI.

AN ACT to make better provision for the care and education of vagrant, destitute, and disorderly Children, and for the extension of Industrial Schools.†

CHAPTER XLIV.

AN ACT to provide for payment of the Debts of Parishes, and awarding compensation to Collectors of Taxes whose offices are abolished.‡

ACTS OF XXII VICTORIA.

CHAPTER I.

AN ACT to amend the Laws relating to Immigrants and to provide for repayment of the expenses attendant upon their introduction and subsequent colonization in this Island. §

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APPROPRIATION OF MONIES DUE IN RESPECT OF IMMIGRANTS
UNDER 15TH VICTORIA, CHAPTER 39, &c.

LXIX. All monies which shall be received from the employers of Immigrants introduced by means of monies raised under the provisions of the before mentioned Acts, Fifteenth Victoria, chapter thirty-nine, Sixteenth Victoria, chapter

* Repealed by Sec. 29 of Law 5 of 1871.

† Repealed by Sec. 1 of Law 34 of 1881.

‡ Omitted as spent.

§ Law 18 of 1879, repeals Secs. 70, 72, 73, and 74 of this Act. The subsequent Law 23 of 1879, repeals the whole Act except Secs. 69, 70, 72, 73 and 74. The result is that the whole Act, except Sec. 69, is repealed.

twenty-five, shall by the Agent General be paid, one week after receipt, to the Receiver General, and be by him carried to a separate account, to be called "The One Hundred Thousand Pounds Immigration Loan New Sinking Fund;" and the Governor, with the advice of the Executive Committee, shall have power, from time to time, by warrant under his hand, to direct the Receiver General to remit the whole, or such portion as he shall think fit, of the monies at any time standing to the credit of the said Fund, to be invested by the Agents appointed, or to be appointed, under the provisions of the said Acts, in such of the public funds of Great Britain, in such manner, and in the names of such persons, as the Lord High Treasurer, or the Lords Commissioners of her Majesty's Treasury, or any three of them, may from time to time direct, and as part of the sinking fund thereby established for the gradual redemption of the principal monies raised, or to be raised, under these Acts.

CHAPTER II.

AN ACT to provide for the introduction into this Island of Chinese Laborers at the expense of private persons.*

CHAPTER III.

AN ACT for raising funds to defray the expenses attendant on the introduction of Immigrants into this Island.

WHEREAS it is expedient to authorize the raising of moneys for the introduction of Immigrants into this Island: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. THE Governor may, with the advice of the Executive Committee, from time to time as shall be deemed expedient, bor-

Power to raise loan.

* Repealed by Sec. 2 of Law 23 of 1879.

row and raise in this Island, or in Great Britain, such sums of money not exceeding the sum of fifty thousand pounds, in any one year, as shall be required to be raised for the purpose of defraying, in the first instance, the expense of introducing Immigrants into this Island, under and subject to the provisions of "THE IMMIGRATION ACT, 1858," and shall have power to appoint an Agent or Agents in Great Britain for the purpose of raising and securing the repayment of monies there borrowed.

On security
of debenture
bonds.

II. THE monies borrowed in this Island, and re-payable here shall be secured by bond, debenture, or otherwise, to be signed by any two members of the Executive Committee, and countersigned by the Receiver General, and the monies borrowed in Great Britain, and re-payable there, shall be secured by bond, debenture, or otherwise, to be signed by the Agent, or if more than one Agent shall be appointed, then by at least two Agents, to be appointed as aforesaid, and such bonds or debentures, shall be in such form as the Governor, with the advice of the Executive Committee or such Agent or Agents, shall determine, and shall be transferable and negotiable, and be made redeemable six years at furthest after the date thereof, and every such bond or debenture shall be drawn for a sum not less than two hundred pounds sterling, and shall bear interest at a yearly rate not exceeding six pounds in the one hundred pounds, and which interest shall, by such bond or debenture, if drawn in this Island, be made payable half yearly at the Island Treasury, or if drawn in Great Britain, be made payable half yearly at some place in London, to be therein named.*

Lost debentures,]

III. IN case any bond or debenture shall be lost, or destroyed, or be defaced, the Governor, with the advice of the Executive Committee, if the same shall be payable in this Island, or the Agent, or if there shall be more than one Agent, any two Agents, if the same shall be payable in Great Britain,

may renew any such bond or debenture, by substituting therefor a copy in all respects of the lost, destroyed, or defaced bond or debenture, except the signature, to be attached thereto, upon satisfactory indemnity being given in case of the production of any bond or debenture alleged to have been lost or mislaid, against any loss, damage, or expense to be incurred in making or resisting payment of the original bond or debenture, or in case of a defaced bond or debenture, upon the delivery up of the same to be cancelled, and which defaced or cancelled bonds or debentures shall be carefully preserved.

IV. ALL monies to be so raised and the interest thereon shall be secured upon and be the only charge upon the monies directed by the "IMMIGRATION ACT, 1858," to be carried to the credit of "THE IMMIGRATION FUND ACCOUNT."

On what fund
loan to be
charge.

V. THE credit of this Island shall stand pledged for the repayment of any loan to be raised under this Act, and the annual interest thereof: Provided always, that the revenue to be derived by the means and under the provisions of THE IMMIGRATION ACT, 1858, shall be in the first place solely applicable to such repayment, and in case of any deficiency after the application thereof, that such deficiency be paid and discharged by such means and out of and from such funds as the Legislature may provide as and when such deficiency may arise.

Credit of Is-
land pledged
for re-pay-
ment of loan.

VI. THE Receiver General shall, from time to time, pay the half-yearly interest on the warrant of the Governor, as the same shall fall due, on all bonds or debentures payable in this Island, and shall, on the warrant of the Governor, remit to the Agent or Agents in Great Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half-yearly interest to fall due and to be payable in Great Britain, such interest to be payable out of any monies then at the credit of the NEW IMMIGRATION FUND ACCOUNT.

Interest.

* * * * *

Limitation of
moneys to be
borrowed.

VIII. THE utmost amount of monies to be borrowed under the authority of this Act shall not at any time exceed the sum of one hundred and fifty thousand pounds in the whole, over and above the monies at the credit of THE NEW IMMIGRATION FUND, and those invested as aforesaid.

Short title.

IX. THIS Act shall take effect on the first January next, and may be cited for all purposes as the IMMIGRATION LOAN ACT, 1858.

CHAPTER IV.

AN ACT to authorize the Indenturing for purposes of Industrial Service Persons condemned as forfeited to Her Majesty under the Statutes for the abolition of the Slave Trade, in certain cases, and to remove doubts as to the rights of such persons.*

CHAPTER VIII.

AN ACT for promoting the Education and Industrial Training of the Children of Immigrants.†

CHAPTER X.

AN ACT for encouraging the formation of Tram roads.‡

CHAPTER XI.

AN ACT to amend an Act entitled "An Act for the Registration and better Regulation of Mining Companies and Partnerships in this Island," and for other purposes.§

* Repealed by Sec. 2 of Law 23 of 1879.

† Repealed by Sec. 2 of Law 23 of 1879.

‡ Omitted, as no longer capable of being carried into effect.

§ Omitted, as for all practical purposes obsolete.

CHAPTER XVI.

AN ACT to enable Parties to the Record to give evidence in Civil Actions.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by the disqualification under the present law of divers persons to give their testimony on facts whereof they are personally cognisant; and the removal of many of such disqualifications would add to the consistency of the law of evidence, and make legal proceedings less expensive; and it is desirable that full information of all facts in dispute should be laid before the persons who may be appointed to decide such issues, and that such persons should exercise their judgment on the credibility of the witnesses adduced on the trial of such issues, and on the truth of their testimony: Be it, and it is hereby enacted by the Governor, Legislative Council, and Assembly of this Island, as follows:—

I. THAT so much of section one of the Act of the seventh year of her present Majesty, chapter thirty-one, as provides that the said Act shall not render competent any party to any suit, action or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord, or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, is hereby repealed. Repeal.

II. ON the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, shall, except as herein- Parties to record may be examined as witnesses.

after excepted, be competent and compellable to give evidence, either *vivâ voce*, or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

As to persons charged in criminal proceedings.

III. BUT nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall, in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

As to husbands and wives in criminal proceedings.

IV.*

Saving as to Wills Act.

V. NOTHING herein contained shall repeal any provision contained in chapter fifty-one of the Statutes passed in the Session holden in the third year of the reign of her present Majesty.

CHAPTER XVII.

AN Act to repeal and amend the Twenty-first Victoria, chapter eight, relative to Hogs, Dogs, and Goats found at large in Towns, and for other purposes.

* * * * *

Hogs and goats found trespassing may be destroyed.

II. WHEN and as often as any hog or goat shall be found in any cane-piece, mill-yard, coffee-piece, corn-piece, provision-ground, grass-piece, pasture, or other land, without the consent of the owner or person in possession thereof, it shall be lawful for the owner, or his attorney, overseer, or penkeeper, or the person in possession or in charge thereof, or any person employed thereon, to kill, or cause to be killed, every such

* Repealed by Sec. 1 of Law 3 of 1877 as amended by Sec. 1 of Law 12 of 1877.

hog or goat, and to deliver the carcase to the owner thereof upon application, if such application shall be made within four hours after the animal shall have been killed ; but should no such application be made within such four hours, it shall be lawful for the person who shall have killed such hog or goat, or caused the same to be killed, to dispose of the carcase of the same in such manner as he shall think proper, without being subject to any penalty, or liable for any damage in consequence of such disposal of the same.

CHAPTER XX.

AN ACT to repeal the Second Section of the Fourth Chapter of the Twentieth Victoria, and to re-enact the same with amendments.

WHEREAS it is necessary to repeal the Second Section of the Fourth Chapter of the Twentieth Victoria : Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same :—

I. THAT the Second Section of the Fourth Chapter of the Twentieth Victoria shall be, and is and stands hereby repealed. Repeal.

II. THAT if any person shall be found committing any offence punishable upon indictment or summary conviction, it shall and may be lawful for any Police Inspector, Serjeant of Police, or Policeman, immediately, and without warrant, to apprehend such offender, and take him forthwith before a Justice of the Peace, who shall, and he is hereby directed to, enquire into the circumstances of the offence alleged to have been committed, and either to commit the offender to the nearest gaol, prison, or lock-up house, to be thereafter dealt with according to law, or to take bail, by recognizance, with security in such amount as such Justice of the Peace shall direct for his appearance on such day as he shall appoint before any two Justices of the Peace, to be dealt with according to law. Offenders may be apprehended on view without warrant and taken before a Justice.

If apprehended
at night In-
specter or Ser-
geant in charge
may admit
party to bail.

III. THAT when any person shall be so apprehended as aforesaid after the hour of six of the clock in the evening, and before the hour of six of the clock in the morning, such person shall be taken to the station-house; and it shall be lawful for the Inspector of Police, or Serjeant of Police in charge of the station-house, to require the person so offending to enter into recognizance, with security, for his appearance before any two Justices of the Peace of the parish in which such station-house shall be situated, on a day to be appointed for that purpose, to be dealt with according to law; and upon the offender refusing so to do, or being unable to find such security, it shall be lawful for such Inspector of Police, or Serjeant of Police, to detain such offender in custody, until he can be brought before a Justice of the Peace, and dealt with in manner herein directed.

Policemen
sworn under
Police Act,
1856.

IV. THAT the several Inspectors, Serjeants, and Policemen sworn in, or to be sworn in, under the POLICE ACT, 1856, shall have all such powers, authorities, privileges, protections, rights, benefits, and advantages, and be liable to all such duties and responsibilities, as any Constable or Policeman duly appointed now has, or hereafter may have, either at the common law, or by virtue of the statute or other law, now or hereto be in force in this Island: Provided always, that nothing herein contained shall authorize any Inspector of Police, or Serjeant of Police, to take bail for any person charged with a capital felony.

CHAPTER XXI.

AN ACT to amend the law of Copyright in Books, and for the protection of British Authors.

WHERAS by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session of Parliament holden in the fifth and sixth years of

the year of her present Majesty the Queen, entitled "AN ACT TO AMEND THE LAW OF COPYRIGHT," It was enacted, that it should not be lawful for any person not being the proprietor of the copyright, or some person authorised by him, to import into any part of the British dominions, for sale or hire, any printed book, first composed or written, or printed and published, in any part of the said United Kingdom, wherein there should be copyright, and reprinted in any country or place whatsoever out of the British dominions; and by a certain other Act of Parliament, passed in the Session of Parliament held in the seventh and eighth years of the reign of her said Majesty the Queen, entitled, "AN ACT TO AMEND THE LAW RELATING TO INTERNATIONAL COPYRIGHT," It was enacted, that it should be lawful for her Majesty, by any order of her Majesty in Council, to direct, that as respects all or any particular class or classes of books to be defined in such order, which should, after a future time to be specified in such order, be first published in any foreign country to be named in such order, the authors thereof respectively, their respective executors, administrators, and assigns, should have the privilege of copyright therein during such period or respective periods as should be defined in such order, not exceeding however the term of copyright which authors of the like works respectively first published in the United Kingdom might be then entitled to under the thereinbefore recited Acts respectively, or under any Acts which might thereafter be passed in that behalf; and that all copies of books wherein there should be any subsisting copyright under or by virtue of the last mentioned Act, or of any order in Council made in pursuance thereof, printed or reprinted in any foreign country, except that in which such books were first published, should be, and the same were thereby, absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing; and if imported contrary

Imperial Statutes of 5 and 6 Vic., c 45,

7 and 3 Vic., c. 12 and

10 and 11
Vic., c. 35.

to this prohibition, the same, and the importers thereof, should be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the Customs ; and by a certain other Act of Parliament, passed in the Session of Parliament holden in the tenth and eleventh years of the reign of her said Majesty the Queen, and entitled “ AN ACT TO AMEND THE LAW RELATING TO THE PROTECTION IN THE COLONIES OF WORKS ENTITLED TO COPYRIGHT IN THE UNITED KINGDOM,” It was enacted, that in case the Legislature or proper legislative authorities in any British possession, should be disposed to make due provision for securing or protecting the rights of British authors in such possession, and should pass an Act, or make an ordinance for that purpose, and should transmit the same, in the proper manner, to the Secretary of State, in order that it might be submitted to her Majesty ; and in case her Majesty should be of opinion that such Act or ordinance would be sufficient for the purpose of securing to British authors reasonable protection within such possession, it should be lawful for her Majesty, if she should think fit so to do, to express her Royal approval of such Act or ordinance, and thereupon to issue an order in Council declaring that, so long as the provisions of such Act or ordinance continue in force within such Colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended, so far as should regard such colony ; and that thereupon such Act or ordinance should come into operation, except so far as might be otherwise provided therein, or as might be otherwise directed by such order in Council, anything in any Act to the contrary notwithstanding ; and whereas by various orders in Council made in pursuance and exercise

of the power aforesaid, and in accordance with treaty stipulations, her Majesty the Queen hath entitled divers the authors of books first published in divers foreign countries to copyright therein according to the conditions of the several Acts of Parliament relating thereto, and it is expedient to legislate on the subject of copyright in books conformably with such Acts of Parliament and the rights last aforesaid: Be it, and it is hereby enacted by the Governor, Legislative Council, and Assembly :—

I. [Repealing Section.] .

II. THAT all books lawfully imported into this Island shall be duty free. No duty on importation of books.

III. THAT, subject to the provision of this Act, reprints of any printed books first composed or written, or printed and published in any part of the United Kingdom of Great Britain and Ireland, may be lawfully imported into this Island for sale or hire therein. Reprints of British works.

IV. THAT on the importation of any reprint of such book as last aforesaid which shall at the time of importation be protected by the law of copyright, there shall be paid an *ad valorem* duty on the *bonâ fide* price of such reprint of twenty per centum. When copyright in such.

V. SUCH duty shall not be paid on newspapers or other regular periodicals containing extracts only from such books as aforesaid. Newspapers with extracts.

VI. AFTER collection by the proper officers, such duty shall be paid into the Treasury Chest of the Commissariat Department in this Island, with a detailed account thereof quarterly, in order that such duty may be duly paid over to the registered proprietor of the copyright of such books respectively. How duty to be appropriated.

VII. BEFORE the reprint of any book be made liable to such *ad valorem* duty as aforesaid, the said book shall have been duly registered, or other the requisitions in respect Book must be registered before reprint liable to duty.

thereto shall have been complied with, as the nature of the case may require, according to the provisions of any Act of the Imperial Parliament relating to copyright.

Reprints imported contrary to Act to be forfeited;

and importer liable to penalty.

VIII. EVERY reprint imported or brought, sold, hired, published, or exposed to sale, or let to hire, contrary to the provisions of this Act, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the Officers of Customs, or other appointed Officers seizing the same, and the other half to the registered proprietor of the copyright of the book from which such reprint is made; and further, every person so offending, being duly convicted thereof before any two Justices of the Peace in the parish where the seizure is made (which said Justices are hereby empowered to try the same according to the form and provisions of "PETTY DEBT ACT, 1856," Nineteenth Victoria, chapter thirty-seven, and any Act amending, or in aid of the same, or providing for the recovery of petty debts) shall, for every such offence, forfeit the sum of five pounds, and double the value of every copy of such reprint which he shall so import, or cause to be imported into this Island, or which he shall knowingly sell, publish, or expose to sale or left to hire, or have in his possession for sale or hire, contrary to the true intent and meaning of this Act.

Recovery of penalty.

IX. SUCH penalty may be recovered or enforced by distress warrant under the hand of any Justice of the Peace of such parish, and in case of a return being made to such warrant that no sufficient goods of the defendant can be found, it shall be lawful for any Justice of the Peace of the parish, by his warrant, to commit the defendant to any jail, for any time not exceeding three calendar months, unless such penalty and all cost and charges of the distress, and of the commitment (the amount being stated in such commitment) shall be sooner paid; and of every such penalty the sum of two pounds shall be to the use of such Officers of Customs, or other ap-

pointed Officers, and the remainder of such penalty shall be paid into the Treasury Chest of the Commissariat Department of this Island, and remitted to the use of the proprietor of the copyright, in the manner hereinbefore provided for payment of the duty first herein mentioned.

X. At the time of the entry of any reprint of any book or review as aforesaid it shall be lawful for the Officers passing such reprints to stamp the same, and the Collector of Customs at Kingston shall furnish to the several Officers who may require the same the form of stamp necessary for such service. Reprints to be stamped.

XI. THIS Act shall not come into force and operation until a notification of her Majesty's assent having been signified thereto, be published in the "JAMAICA GAZETTE BY AUTHORITY." Suspending clause.

XII. In citing or naming this Act in any document, instrument, or proceeding, or on any stamp, it shall be sufficient to use the expression "COPYRIGHT PROTECTION ACT, 1858." Short title.

XIII. In the interpretation of this Act the word "book" shall be held to include volume, pamphlet, sheet of letter press, sheet of music, map, chart, plan, and periodically published review. Interpretation.

CHAPTER XXIV.

AN ACT to authorize the payment of six per cent. per annum interest on the Loan under the Twenty-first Victoria, chapter forty-four, and to provide for certain Parochial works and repairs.*

CHAPTER XXVIII.

AN ACT to protect the Public from Vexatious Suits.

WHEREAS the instituting of petty suits in the Supreme Court has become grievous and vexatious to the com-

* See foot note to 21 Vic. c. 44.

Costs.

munity ; for remedy thereof, Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, that no person prosecuting any cause of action in the Supreme Court which might have been determined in an inferior Court shall recover any greater or other costs than he would have been entitled to, in case he had sued in such inferior Court : Provided, that this Act shall not apply to causes of action on which such inferior Court shall have refused to adjudicate ; nor shall any plaintiff be entitled to costs by reason of any privilege as Attorney or Officer of the Supreme Court.

CHAPTER XXXII.

AN ACT to amend the "Industrial Schools Act, 1857,"
Twenty-first Victoria, chapter forty-one.*

CHAPTER XXXVI.

AN ACT to repeal certain Acts relating to the Kingston and Liguanea Water Works Company, and to re-enact the same with amendments.†

WHEREAS by deed dated the 30th day of November, 1850, and recorded in the Secretary's Office of this Island, in libro of deeds 901, folio 203, the most Honorable Richard Plantagenet Nugent Chandos Grenville Temple, commonly called Marquis of Chandos, and Francis Barchard of Ashcomb near Lewes in the County of Sussex in England, Esquire, for the said consideration of £6,215 paid to them in the proportions therein mentioned by the said Kingston and Liguanea Water Works Company, did grant, assign, and alien to the said Company, their successors and assigns, all those

* Repealed by Sec. 1 of Law 34 of 1881.

† Such Sections of this Act as have become obsolete in consequence of Law 15 of 1871, dissolving the Company and transferring its property to the Government, are omitted.

several pieces or parcels of land, containing together 634 acres, in the Parish of St. Andrew, being part of the Hope Plantation, with the hereditaments and premises, and all their and each of their rights and powers of taking up water in respect of the whole of the said plantation of Hopc out of the Hope River, which, by certain Acts of the Legislature of this Island dated in the years one thousand seven hundred and fifty seven, entitled respectively, "An Act to render more effectual an Act to enable Thomas Hope Elletson, Esquire, to take up a sufficient quantity of water for turning mills for grinding of sugar canes out of the Hope River in the Parish of Saint Andrew, and to carry the same through the lands of divers persons to the plantation of the said Thomas Hope Elletson, called Hope Plantation, in the said parish, and for other purposes," the proprietors of the said Hope Estate obtained, jointly with the proprietors of certain estates in the said Parish of Saint Andrew, called Papine Estate, Mona Estate, and Hermitage Pen, for themselves, their successors, administrators and assigns; and which water by a gutter, common to the whole, was then divided in a specific portion to each property, in manner and quantity following, that was to say: to the said Hope Estate, four ninths, to the said Papine Estate and Hermitage Pen, three ninths, and the said Mona Estate, two ninths, and all other their and each of their right and title to water from the Hope River aforesaid, with the use and right of the dam and gutter called the Hope Estate dam conveying the same; and all and every the right appertaining to the whole of the said Hope Plantation under any Acts of the Legislature of the said Island, or under any deed or instrument executed between the proprietors of the said Hope Estate, Papine Estate, Mona Estate and Hermitage Pen; together with all messuages, dwelling houses, outhouses, buildings, trees, ditches, ways, water, water courses, dams, sluices, gutters, aqueducts, spring and sources of water mills, mill houses, curing houses, boiling houses, stills, coppers,

plantation and manufacturing implements and utensils, fixtures and chattels, now upon or belonging or appertaining to the said pieces or parcels of land, rights of water, and hereditaments, or any part thereof, or therewith used, occupied or enjoyed; and which said plantation and manufacturing implements and utensils, fixtures and chattels were on the treaty for the purchase of the said premises by Alexander Finlay of Twickenham Park in the said Island of Jamaica, acting as Agent for and on behalf of the said Marquis of Chandos, proposed to be reserved, and which were to be more particularly described and enumerated in a Schedule to be endorsed upon or annexed to those presents now in recital, before the enrolment thereof in the said Island of Jamaica; and all such estate, right, title and interest in and to the same, and every part thereof, as they or either of them were or was, or should become seized or possessed of, or as they or either of them were or was by the said Act, or by an Act of the said Legislature, made and passed in the ninth year of the reign of her present Majesty, chapter eleventh, entitled "An Act for granting powers to the Kingston and Liguanea Water Works Company," capacitated or empowered to convey, to hold the premises to the said Company, their successors and assigns, for ever and absolutely, according to the true intent and meaning of the said Act, as by reference to the record of the said deed duly enrolled in the office of the Secretary of this Island will fully appear: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

The Company quieted in possession of Hope lands and works.

I. THAT the said Kingston and Liguanea Water Works Company, their successors and assigns, are hereby declared for ever quieted in the peaceable and full enjoyment of the said lands called the Hope Estate, and of and in the right and title of water of and to and out of the said Hope River, and of and in all the dams, gutters, drains, reservoirs, tanks, aqueducts, pipes, cocks, plugs, and other conveniences, and

of and in all their houses, works, and buildings whatsoever, under and by virtue of conveyances made to the said Kingston and Liguanea Water Works Company, their successors and assigns, notwithstanding the repeal of the said Acts, in as ample and beneficial a manner as if the said Acts had not been repealed.

* * * * *

V. It shall be lawful for such Company, their successors and assigns, to continue to have full power to take up any quantity of water from and out of the Hope River aforesaid, by an iron pipe at the junction of the said river, at or near the dam called and known by the name of the Hope Estate dam, or elsewhere, as granted under the several Acts of this Island dated one thousand seven hundred and fifty-two, and one thousand seven hundred and fifty-seven, and to have full power to purchase any other lands, tenements or hereditaments, with the right or use of any water or river that can be made available for the purposes of this Act, to them, their successors and assigns, for the use of the said undertaking, without incurring any of the penalties or forfeitures of the Statutes of Mortmain: Provided, that nothing in this Act contained shall be construed or taken to hinder or obstruct the proprietors of the other estates (named in the aforesaid recited Acts) of Papine, Mona, and Hermitage Pen, or their heirs or successors, (not having made any arrangement for the disposal of the water and the use of the dam or gutter as aforesaid) from holding, using, exercising, and employing, or enjoying, in common with the said Company, all such right, title, interest, powers, privileges, and advantages whatsoever, which the said proprietors of the aforesaid properties now lawfully have and claim, and which the said proprietors and their successors at any time hereafter might, would, or ought lawfully to have held, claimed, exercised, or enjoyed by virtue of any Act of the Legislature of this Island, as if this Act

Power to
Company to
continue to
take water
from the
Hope, and to
purchase
other lands.

had never been made, on* their joining the said Kingston and Liguanea Water Works Company in paying and sustaining the charges and expenses in keeping up and keeping in repair the said dam, gutter, and iron pipe as aforesaid, and works and guttering for carrying down and distributing the said water in the proportions stated in the several Acts of this Island, to wit, that is to say: To the said Hope Estate now the property of the said Company, four ninths, Papine and Hermitage three ninths, and Mona Estate two ninths.

The Directors may purchase or lease other rights to the use of the water of Hope river.

VI. It shall be lawful for the Directors of the said Company by their Chairman (in addition to their four ninths) to purchase or lease from the proprietors of Papine, Hermitage, and Mona, or the heirs, executors, administrators, trustees, or assigns of either or of all the aforesaid properties or estates, the use and absolute right of them in, to, and of any water of and in the Hope River, together with the use and right of their right and interest of and in the dam and gutter conveying the same, and which shall be conveyed, sold, or demised to the said Company by conveyance or deed, to be recorded in the Secretary's Office of this Island, from the proprietors, or the heirs, executors, administrators, trustees or assigns of the proprietors of the aforesaid estates, selling and conveying for ever, or demising the full and absolute right and use of all such water, dam, and gutter, to be fully specified in such deed or conveyance, and to insure the full and unmolested right to the same.

Conveyance to bar estates tail. &c.

VII. SUCH conveyance or deed, to be recorded as aforesaid, shall be sufficient for the purpose of barring or destroying, as well the estate tail, as all other the estate of the persons conveying the same, of and in the said hereditaments and premises so intended to be conveyed; and shall also be sufficient for the purpose of barring or destroying all right or title of dower or thirds at common law then existing in the same hereditaments.

* "or" in Original.

VIII. IN cases of any earthquakes or falling in of the earth materially injuring the gutter or dam, or any act of the Almighty in diverting or altering the course of the said river called the Hope River, the Company, their successors and assigns, shall have power over the said river to follow the same until the mischief be remedied, and the water again be applied to the use of the Company.

Injury to gutter by act of God.

* * * * *

XII. THE said Company shall have and enjoy the exclusive right and privilege of supplying the said City of Kingston with water for twenty-one years, next hence ensuing; and for that purpose shall have the exclusive right and privilege of laying, making, enlarging, altering, completing, and maintaining all and every the necessary water works, aqueducts, reservoirs, gutters, pipes, and other works necessary for such purpose.

Exclusive privilege granted to Company for twenty-one years to supply Kingston with water.

* * * * *

XXXVIII. It shall be lawful for the said Company and their successors, by themselves, their deputies, their deputies' officers, agents, workmen, and assistants, to repair, sustain, uphold, maintain the water works, aqueducts, reservoirs, gutters, pipes, and other works necessary for the purpose of this Act, in the Parishes of Kingston and Saint Andrew in the County of Surry; and also to make complete and maintain all such other water works, aqueducts, reservoirs, gutters, pipes, and other works and convenience which may be necessary by means of such water works for supplying the same respectively with water from Hope River, at or near the junction of what is termed the Hope dam in the said river in the Parish of Saint Andrew, or elsewhere; and the said Company are hereby empowered, by themselves, their deputies, agents, workmen, and servants, to continue to supply the said water works, aqueducts, reservoirs, and other works, and at all times and for ever, with water from the Hope River as aforesaid,

Power to Company to maintain its works, &c.

and to repair, uphold, and maintain such tunnels, gutters, sluices, bridges and shafts, and machinery, or to make new or other tunnels, gutters, sluices, bridges, shafts and machines for supplying the said water works with water, and for any other purposes for making, maintaining and using such water works, as they the said Company or their successors shall from time to time think proper and expedient; and for the purpose of distributing the water to the different inhabitants and accomplishing the several purposes of this Act, it shall and may be lawful for the said Company and their successors, and to and for their agents, officers, workmen, and servants, to maintain and support the present works, and to dig and break up the soil and pavements, brickways of any road, street, or lane, highways, footpaths, commons, alleys, passages, and public places within adjacent and near unto the said City and Parish of Kingston and Saint Andrew, and to sink and lay pipes, tanks, and other conveniences for the purposes aforesaid, and to put stop cocks, or plugs, or branches from pipe to pipe in such places through yards or brick or stone walls; and from time to time alter the position of, and to repair, relay, and maintain such pipes, tanks, stop cocks, and plugs, and do all such acts, matters, and things, as they the said Company or their successors or assigns shall from time to time and at any time think necessary and convenient for completing, amending, repairing, improving, and using the works authorized by this Act, to be done and provided, according to the true intent and meaning thereof; and the said Company are hereby empowered to uphold and maintain their present, and also to make houses and other works, and all such cisterns, ponds, basins, main pipes, hand pipes, stand pipes, service pipes, branches of lead, and other metal pipes, cocks, chamber cocks in common valves, fire plugs, air plugs, fire cocks, main feeders, janapers and pumps, as the said Company shall think requisite for the several purposes of the said Company; and also from time to time, to divert, alter, repair, widen,

enlarge, amend and discontinue the same, they the said Company, their agents, deputies, officers, workmen, and servants doing as little damage as may be in the execution of the powers herein granted to them, and making full satisfaction for any damages thereby occasioned to the party injured.

XXXIX. SUCH of the inhabitants of the City of Kingston and district of Liguanea, and such other persons as shall be desirous of having water from the said water works laid into their yards or premises, shall apply to the said Company, or to the Directors, and agree with them for the quantity of water to be delivered to the applicant daily, and the weekly rate or price to be paid for such water, and shall sign or attach his name to a book called the order book, and shall therein agree with the said Company as to the rate according to the quantity of water that the said Company will agree to supply during a prescribed period at which the water may be laid on in the district in which such house or premises may happen to be, such persons paying to the said Company such rate, either quarterly, monthly, or weekly for such water as shall be mutually agreed on between them; and in case any such rate or sum of money shall be in arrear and unpaid on the days and times agreed upon for payment thereof, it shall be lawful for the said Company to charge such rate payer or occupier of the said house or premises with the original price of the pipe and cock and the expenses of laying down the same; and the rate or sum which shall be in arrear and unpaid from such person to the said Company, together with the original cost of such pipe and cock as aforesaid, and the expense of laying the same down, shall be recovered by the said Company by distress and sale of the goods and chattels of such rate payer, or of any person found on the said premises; and in case the goods shall be fraudulently removed, the said Company may, by their Bailiff or other Officer, follow the said goods, as goods fraudulently removed to avoid payment of rent can be followed; and all the like powers and remedies

Inhabitants of Kingston and Liguanea may be supplied with water on application to the Company.

Recovery of rates in arrear.

are hereby given to the said Company, their successors and assigns, to levy for rates on the premises supplied with water, as landlords possess for recovery of rents by law; and it shall be lawful for the Directors of the said Company, at their discretion, to cause the pipes leading to such defaulter's premises, house, yard, or buildings to be separated from the main pipe or aqueduct, and to cause the water to cease from running therein to such premises, house, yard, or buildings; and if any person shall lay, or cause to be laid, any leaden or other pipe or gutter to communicate with any such aqueduct or main pipe belonging to the said Company, without such consent being obtained as aforesaid, every such person shall forfeit and pay to the said Company, and their successors, any sum not exceeding twenty shillings for every day such pipe shall so remain or have been used.

Servants of
Company
may enter
premises
supplied
with water
by Company.

XL. It shall be lawful for the Manager, Engineer, or Bailiff, or any other person acting under the authority of the said Company, or of the said Directors, at all reasonable times in the day, to enter into any yard, house, building or other premises supplied with water by the said Company, or wherein the Company's pipe is or shall be laid, in order to inspect and examine if there be any waste, undue diversion or improper appropriation of the water so supplied by the said Company; or if such Manager, Engineer, Bailiff or other person acting by or under the authority of the said Company or the said Directors shall at any time be refused admittance or entrance into any such yard, house, building or other premises for the purpose of making such inspection or examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such inspection or examination, it shall be lawful for the said Company to cut and turn off, and cause to be cut and turned off, the water supplied by the said Company from such house, yard, building or other premises; and in case the same shall have already been cut off, but the pipes still remain, it shall be lawful for any Magistrates to direct, in

Penalty for
obstructing
them.

writing, a Policeman to accompany such Officer of the said Company, and ensure a peaceable and quiet inspection.

XLI. WHEN and as often as any ground shall be broken up or opened in any street, lane, or road either by the said Company, or by any other person employed by them for laying, taking up, or repairing any aqueduct, main pipe or communicating pipe by virtue of this Act, the said Company or other person so employed respectively shall fill in or cause to be filled in such ground, and to remove and carry away any rubbish occasioned by the opening or breaking up the same, as soon as conveniently may be ; and in the meantime to cause such ground to be fenced or guarded so that the same may not be dangerous to passengers and cattle ; and if there shall be any wilful or negligent delay in the said Company, or in any person employed by them, in taking up and removing any rubbish, or repairing any damage done to any road, street or land by the said Company or their Agents, the parties so offending shall forfeit and pay any sum not exceeding five pounds.

Company must fill in ground opened in any thoroughfare, and remove rubbish.

XLII. WHENEVER it shall be found necessary by the said Company, their Agents or workmen, to lay down pipes, in upon or under any part of any public or turnpike road, such pipes shall be laid down on the sides of the said road only ; and in case any pipe shall be laid down otherwise than as aforesaid, or in case any pipe or pipes shall happen to burst or break or cause the water to injure any such road as aforesaid, the Commissioners or proper Officers of the said road shall give notice to the said Company or their agents to take up and remove or repair the same ; and in case they shall neglect or refuse for the space of forty-eight hours after such notice to commence to repair or remove the same, the said Company shall forfeit and pay to the Churchwardens of the parish in which the pipe has burst or broken and caused such injury as aforesaid to the road, the sum of five pounds to be recovered from the Mana-

Pipes to be laid at side of public road.

ger, Clerk or Agent to the said Company of proprietors in manner hereinafter stated.

Penalty for
committing act
tending to foul
water.

XLIII. If any person shall bathe in any dam, reservior, aqueduct, water way, feeder, or pond, being the property of the said Company, either already or hereinafter to be made, maintained, or supported by virtue of this Act; or wash any dog or other animal therein; or throw or cast any dog or cat, or any other animal, or any filth, dirt, or other noisome or offensive thing; or wash or cleanse any clothes, cloths, or any wool or leather, or skins of sheep or lambs, or hogs or goats or other animal, or any noisome or offensive thing, in any such dam, reservoir, or aqueduct, water way, feeder, or pond; or cause or suffer the water or drainings of any sink, gutter, sewer, or drain, to run or be conveyed into any such dam, reservoir, aqueduct, water way, feeder, or pond; or cause any other annoyance to be done to the water contained in any such dam, reservoir, aqueduct, water way, feeder, or pond, whereby, or by means whereof, the said water of any part thereof shall or may be soiled, fouled, or corrupted, every such person so offending shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

Penalty for
fraudulent use
of water.

XLIV. If any person shall take or use, or cause, or permit or suffer to be taken or used, any water from or out of any reservoir, aqueduct, or pipe, or any water which shall have flowed or been taken out of any such reservoir, aqueduct, or pipe, which shall be made or laid by this Act, and without the previous consent of the said Company; or if any person supplied with water by the said company by virtue of or under any contract or agreement entered into for that purpose shall give, let, sell, or in way dispose of, on any pretext whatsoever, to any other person, any such water or any part thereof; or if any person shall wilfully let off, or cause to run to waste, any water from any such aqueduct or pipe, every person so offending shall, for every such offence, forfeit and pay

to the said Company any sum not exceeding ten pounds ; and it shall be lawful for the said Company, if they shall so think fit, to take or cut off the water supplied by the said Company from the house, store, building, or other premises of the persons offending ; but nothing herein contained shall extend to subject any person supplied with water by virtue of this Act to any forfeiture or penalty for supplying * any person with any quantity of such water in case of fire, or during any time that the pipe or cocks belonging to any person supplied with water by the said Company shall happen to be out of repair ; but such pipe or cocks shall be repaired as soon as may be after any damage shall happen thereto.

XLV. ALL fines, penalties, and forfeitures imposed or inflicted by this Act, or which shall be imposed or inflicted by any rule, order, or bye-law to be made in pursuance thereof, the manner of levying and recovering whereof is not particularly herein directed, shall, in cases of non-payment or conviction of the offender respectively, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of any Justice of the Peace for the city or parish wherein the offence shall be committed, or the offender shall be or reside ; which warrant such Justice is hereby empowered and required to issue upon the confession of the party, or upon the evidence of any credible witness upon oath (which oath such Justice is hereby empowered to administer) ; and all fines, forfeitures, and penalties the application whereof is not herein particularly directed shall be paid into the hands of the Treasurer, or to the Board of Directors of the same Company ; and the overplus of the money raised by such distress and sale, after deducting the fines, penalties and forfeitures, and the expense of such distress and sale shall be rendered to the owner of the goods and chattels so distrained ; and for want of sufficient distress, and in case the fine, penalty, or forfeiture shall not be forthwith paid, it

How penalties
to be recovered.

* "suffering" in Original.

shall be lawful for such Justice, by warrant under his hand and seal, to commit such offender to the common gaol or general penitentiary, there to remain without bail or main-prize, for any term not exceeding four calendar months, unless such fine, penalty, or forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

Form of conviction.

XLVI. IN all cases where any conviction shall be had for any offence against this or any previous Act, or against any bye-laws, rules, orders or regulations of the said Company to be made in pursuance of any of the provisions contained in this or any other former Act, the form of conviction shall be as follows :—

Be it enacted that on this day of
in the year of the reign of A. B.
is convicted before me one of her Majesty's
Justices of the Peace for the Parish of having
[as the offence shall be] ; and I, [or we] the said
do adjudge him [her or them] to forfeit and pay for the
same the sum of .

Given under [our] or my Hand and Seal the day and
year aforesaid.

No defect of
form to invali-
date proceed-
ings or render
party distrain-
ing a trespasser
ab initio.

XLVII. WHERE any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceeding relating thereto ; nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity which shall be afterwards done by the party or parties so distraining ; but the person aggrieved by such irregularities shall recover full satisfaction for the special damage in an action upon the case.

XLVIII. No plaintiff shall recover in any action to be commenced against any person for anything done or omitted to be done in pursuance or under color of this Act, unless notice in writing shall have been given to the defendant, or left at his last or usual place of abode, twenty-one days before such action shall be commenced, of such intended action, signed by the attorney of the plaintiff, specifying the cause of such action; nor shall the plaintiff recover in such action, if tender of sufficient amends shall have been made to him, or his attorney, by or on behalf of the defendant, before such action brought; and in case no such tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the Court where such action shall depend at any time before issue joined, to pay into Court such sum of money as he shall think fit; whereupon such proceedings, order and judgment shall be had, made, and given in and by such Court as in other actions where the defendant is allowed to pay money into Court.

Actions against
parties for
things done
under Act.

XLIX. In any action or suit brought or to be brought or commenced against any person for any thing done or omitted to be done in pursuance or under color of this Act, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damage shall have ceased, and not afterwards; and shall be laid and brought in the parish or county where the matter in dispute or cause of action shall arise, and not elsewhere; and the defendant in such action or suit shall or may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done or omitted to be done in pursuance and by authority of this Act, or under color of this Act or any previous Act; and if it shall appear to have been so done or omitted to be done by virtue or under color of this Act, or if any such action or

Limitations of
actions.

suit shall have been brought before the expiration of twenty-one days next after such notice shall have been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, or after the time so limited for bringing the same, or shall be brought in any other parish or county or place aforesaid, the jury shall find for the defendant; or if the plaintiff shall become nonsuit, or suffer a discontinuance of his action or suit after the defendant shall have appeared, or if a verdict shall pass against the plaintiff, or if, upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall have double costs, and shall have such remedy for the same as any defendant hath for costs of suit in other cases provided by law.

* * * * *

Pipes may be removed from premises where supply of water discontinued.

LI. In any case where pipes are laid into any house, yard, land, or other premises, and the parties or owners in possession of such house, yard, land, or other premises shall have discontinued taking or paying for the use of the water, or shall have forfeited his right as provided under this Act, it shall be lawful for the Agents of the said Company, under a written authority from the Chairman of the Directors, to enter into such house, yard, land, or other premises, and to take up and remove any pipe or other property belonging to the said Company; and on any resistance being made to such Agent executing the order, the parties shall forfeit three times the value of the pipes so laid down, and the expenses of laying such pipes to be recovered as hereinbefore provided.

Company must make compensation owners of lands taken.

LII. THE said Company, their successors and assigns, are hereby required to make or tender satisfaction to the owners, occupiers, and persons interested in any lands, grounds, tenements and hereditaments which shall be wanted for any of the purposes of this Act, before they shall in any wise make use of the same; and in case the parties cannot agree touching the amount of such satisfaction, within the space of thirty

days after application shall have been made for that purpose by or on behalf of the said Company, their successors and assigns, to the respective owners and occupiers of, and persons interested as aforesaid, it shall be lawful for any Justice of the Peace for the parish or district in which the lands, hereditaments, and premises are situate (not being in any way interested in the matters in question) upon application for that purpose made to him by or on behalf of the said Company, grounded on affidavit of the facts, eight days' previous notice being given by the said Company of such application by leaving such notice at the dwelling house of such person or at his usual place of abode with some tenant or occupier of some of the said lands, hereditaments, and premises intended to be valued, in case of the party otherwise be found* to be served with such notice; and such Justice is hereby authorised and required, upon such application as aforesaid, to issue a warrant under his hand and seal, directed to the Provost Marshal General, or his lawful Deputy for parish or precinct, if not interested in the subject matter, and if interested, to some other responsible person to be appointed by the said Provost Marshal General for that special purpose, commanding him, the said Provost Marshal General or his lawful Deputy, or the person so especially appointed, to empanel, summons and return, and the said Provost Marshal General, or his lawful Deputy, or other person so appointed by him as aforesaid, is hereby accordingly empowered and required to empanel, summons and return, at such time and place as shall be therein inserted, fourteen substantial and disinterested persons qualified to serve as jurors upon the trial of issues at law, none of whom shall be a member or servant of the said Company; and out of such persons so to be empanelled, summoned and returned a jury of seven men shall be drawn by the said Provost Marshal

Procedure if parties cannot agree as to amount.

(*) So in Original. What is evidently meant is "In case the party cannot otherwise be found."

General or his lawful Deputy, in such manner as juries for trials of issues joined in her Majesty's Court of Record in this Island are by law directed to be drawn, to enquire into and ascertain the true value of the lands or grounds to be taken or used as aforesaid by the said Company for either of the purposes aforesaid; and which inquisition or meeting of the said Justice shall have power to adjourn from day to day, as occasion shall require; and the said Justice is hereby authorized and required, upon application made to him by any of the parties interested, to call before him at such inquisition or meeting or the adjournment thereof, any person who shall be thought proper to be examined touching the premises; and the said jury upon their oaths, which oaths, and also the oaths to be taken by the persons who shall appear to be examined and to give evidence as aforesaid, the said Justice is hereby empowered and required to administer, shall enquire into and ascertain, and award the sum of money to be paid for the purchase of any land or grounds which may be required for any of the purposes of this Act; and in so doing the jury shall take all circumstances into consideration which may tend to show the value of such lands or injury the owner thereof may sustain by the exercise of the powers in this Act contained; and the said jury shall give their verdict in such inquisition under their hands and seals, and shall deliver the same to the said Provost Marshal General, or his lawful Deputy for such parish or precinct as aforesaid; and which said verdict so pronounced and delivered as aforesaid, having been first duly signed by the said Justice who is hereby authorized and required to sign the same, shall be binding and conclusive to all intents and purposes whatsoever upon the said Company, their successors and assigns, and all and every person whomsoever claiming any estate, right, title, trust, use, or interest in, to, or out of the said lands, tenements, hereditaments and premises, or otherwise interested therein, either in possession, reversion, remainder, or

expectancy, as well as against infants and issue unborn, lunatics, idiots, *femmes couvertes*, and persons under any legal incapacity or disability; and all Trustees, *cestue que trust*, his heirs, successors, executors, and administrators or assigns; and against all persons whomsoever; and the aforesaid verdict so to be given and delivered as aforesaid shall be returned with the warrant aforesaid annexed by the said Provost Marshal General, without delay, into the office of the Clerk of the Supreme Court of Judicature of this Island, there to be recorded; and immediately upon tender or payment by the said Company, their successors and assigns, of the respective sums of money which shall be so pronounced as aforesaid by the said jury to be the value of any land or grounds to be taken or made use of as aforesaid to the respective persons entitled thereto or their agents, all the estate, right, title, interest, use, property, claim and demand whatsoever, both at law and in equity, of the persons to whom or for whose use such money shall be paid of in to and out of the said lands, hereditaments, and premises, shall become and be absolutely vested in the said Company and their successors and assigns for ever, free* from all right and interest, and claim of any person whatsoever; and they shall respectively be deemed in law to be in actual seizing and possession thereof to all intents and purposes whatsoever, as fully and effectually as if every person having or claiming, or pretending to have or claim, any estate or interest in the premises had conveyed the same by any legal conveyance whatsoever; and such tender or payment shall not only bar all right, title, claim, or demand of the person to whose use such payment shall be made, but also shall extend to, and be deemed and construed to bar the dower of the wife or wives of such persons, and all estate tail in possession, reversion, and remainder of the issue or issues of such persons and all persons claiming under them; and shall also bar the right, interest, use, claim, and demand whatsoever of any person or persons whomsoever,

* "free" not in Original.

in, to, or out of such lands or hereditaments, and every part thereof; and the said Company, their successors and assigns, shall be quieted in possession thereof, any law, statute, usage, matter, or thing whatsoever to the contrary notwithstanding.

Compensation
to parties sus-
taining damage
by operations of
Company.

LIII. It shall be lawful for the said Company, their Agents or servants employed in digging any gutter or laying down any pipe, or building any aqueducts for conducting the water to the said City of Kingston, in or through any lands, yards, enclosures or other premises whatsoever, altering or removing the same at any time, belonging to any person, to enter into an agreement with the owners or occupiers thereof or to make satisfaction for any damages done by the said Company to such owners or occupiers, as shall be agreed upon between such Company or their Agents and the respective owners and occupiers; and in case of disagreement thereon the satisfaction to be made shall be ascertained by the oaths of a jury as provided for in the preceding section of this Act.

Who to bear
expense of jury.

LIV. WHENEVER a jury shall be summoned and a verdict shall be given for money, or for a greater annual rent as a recompense or satisfaction for the absolute sale of any land ground, water, hereditaments or property of any other person, whomsoever, or as a compensation for any damages done or to be done to such lands or other premises, than has been previously offered by or on behalf of the said Company before the summoning of the jury; or where any verdict shall be found for any damages where the dispute shall be for damages alone, and where compensation shall have been previously offered or tendered in respect thereof by or on behalf of the said Company; or where by reason of any impediment or disability as aforesaid there shall not be found any person who may be legally capacitated to enter into contract with, and make conveyances or receive compensation from the said Company as hereinbefore mentioned, the expenses of summoning, such jury and taking such verdict shall be defrayed by the said

Company; but if any verdict shall be given for the same sum that had been previously offered by or on behalf of the said Company or their Agents, or for a smaller sum; or in case no damages shall be given by the said jury where the dispute is for damages only; or in case of such refusal to enter into treaty with, or make conveyances to, or receive compensation from the said Company by any person who is or are legally capacitated to treat and convey or receive such compensation as aforesaid, (except where, by reason of absence or otherwise, any person shall have been prevented from treating and agreeing as aforesaid,) the costs and expenses of summoning such jury and taking such verdict shall in like manner be borne by the person with whom the said Company shall have made such concerns, controversies or disputes; which said costs and expenses, having been taxed by the Clerk of the Supreme Court of Judicature, which he is hereby required and authorized to do, shall and may be deducted out of the money so adjudged and assessed as so much money advanced to and for the use of such person; and the payment or tender of the remainder of such sum of money shall be deemed and taken to be a payment or tender of the whole sum of money so assessed and adjudged; and the Provost Marshal General, or his lawful Deputy, for his duty in summoning either of the aforesaid juries, shall receive the sum of seven pounds, in full of his fees, to be included for such costs to be taxed as aforesaid.

LV. It shall be lawful for the said Company, their successors and assigns, to sell and dispose of, and by indenture under their Common Seal absolutely to grant and convey, such part of the land, water, or other hereditaments already purchased, or which shall be purchased by the said Company, and which shall not be wanted for the purposes aforesaid; and all such conveyances from the said Corporation under their Seal, and executed or to be executed by their Chairman, shall be valid and effectual, any law, statute, or custom to the contrary thereof in any wise notwithstanding; and it shall be lawful

Company may
sell land or
water not
wanted.

They may lease their lands. for the said Company, their successors and assigns, by deed under their Seal, to lease out any of their lands, and to take to the said Company, all necessary and prudent security, by covenants and otherwise, for payment of the rents and performance of the covenants; but it shall not be lawful for the said Company at any time hereafter to sell or dispose of any of the right, privileges, powers, or authorities vested in them by this Act to any person or persons whomsoever.

Penalties on Marshal and others for neglect of duty.

LVI. If any Provost Marshal General, or his lawful Deputy, shall make default in any matter or thing required to be done by this Act, every such person shall, for every such offence, forfeit the sum of fifty pounds, to be recovered by action of debt in the Supreme Court of Judicature of this Island by the said Company or their Chairman as before recited, to be applied to its own use, with full costs out of purse, to be taxed by the Clerk of the said Court; and if any Justice or any other person hereinbefore authorized to act in the premises shall make default in any matter or thing required to be done by this Act, every such person shall, for every such offence, forfeit the sum of fifty pounds, to be recovered by action of debt in like manner as aforesaid; and if any Constable or Policeman shall make any default in any matter or thing required to be done under this Act, every such person shall for every such offence forfeit the sum of ten pounds, to be recovered, levied, and applied to the use of the said Company as hereinbefore provided for; and if any person returned upon any inquest under this Act shall in any manner neglect his duty contrary to the true intent and meaning of this Act; or if any person so summoned to give evidence as aforesaid shall not appear on being paid or tendered a reasonable sum for his costs and expenses, or appearing shall refuse to be sworn or to give evidence, every person so neglecting or offending (without a reasonable cause to be shewn in writing upon oath to, and allowed by, some Justice of the Peace as sufficient, such allowance to be in writing under the

hand of such Justice,) shall, for every such offence, forfeit the sum of ten pounds, to be recovered, levied and applied in the manner last mentioned.

LVII. It shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations aggregate or sole tenants for life, or in tail, or for any other partial or qualified estate or interest, husbands, guardians, trustees or feoffees in trust for charitable and other purposes, executors, administrators, committees, and all trustees and persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy, if incapacitated, and as to such husbands and guardians also for and on behalf of their wives and wards, and as to such Committees also for and on behalf of the lunatics and idiots of whom they shall be the Committees respectively, and as to such Bodies Politic, corporate or collegiate, corporations, tenants, trustees and feoffees in trust, executors, administrators and other persons aforesaid, also for and on behalf of their *cestui que trusts*, whether infants, issue unborn, lunatics, idiots, *femmes couvertes*, or other persons and for all *femmes couvertes* seized, possessed of or interested in their own right or entitled to dower or other interest in and for all and every other person whomsoever who are and shall be seized and possessed of or interested in any lands, water, or hereditaments which shall be necessary or required to be purchased for the purposes of this Act, to contract for, and to sell or convey, all or any part of such lands, waters, tenements, hereditaments, estates and interests, or any part thereof, to the said Company; and all such contracts, sales and conveyances shall be made at the expence of the said Company, and shall be made according to the following form, or as near thereto as the number of the parties and the circumstances of the case will admit, that is to say:—

Owners of partial or qualified estate in land may convey their interest.

I, A. B. of _____ in consideration of the sum of _____
to me paid by the Kingston and Liguanea Water _____

Works Company, by virtue of an Act of the Legislature of this Island, made and passed in the twenty-second year of the reign of her Majesty Queen Victoria, incorporating the Kingston and Liguanea Water Works Company for supplying the City of Kingston and Liguanea with good and wholesome water from the Hope River, and for other purposes, do hereby grant and alien to the said Company, their successors and assigns all that together with all ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same, and every part thereof, as I am or shall become seized or possessed of, or as I am by the said Act capacitated or empowered to convey; to hold the premises to the said Company, their successors and assigns for ever, according to the true intent and meaning of the said Act.

In witness whereof I have hereunto set my hand and seal the day of in the year of our Lord.

And all such contracts, agreements, bargains, sales and conveyances as aforesaid shall be good, valid in law to all intents and purposes, and shall operate to merge all terms of years attendant by express declaration or by construction of law in the estate or interest so thereby conveyed or aliened, and to bar and destroy all such estates tail, and all titles to dower, and all other estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever, any law, statute, usage or any other matter or thing whatever to the contrary thereof in any wise notwithstanding.

In certain cases compensation money may be paid into office of Receiver General.

LVIII. In case any person to whom any money shall be awarded for the purchase of any lands, tenements, or hereditaments to be purchased, taken, or used under or by virtue of the powers of this Act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to the premises for the purposes of this Act, or shall be absent from the said Island, or cannot be found, or if any person entitled

unto, or to convey such lands, tenements, or hereditaments be not known or discovered, or be not shewn so to be to the satisfaction of the said Company, or be absent from the said Island, it shall be lawful for the said Company to order the money so awarded as aforesaid to be paid into the office of the Receiver General of this Island, and in his name to be placed to his account, to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them so far as the said Company can do so), subject to the control, disposition, and order of the Supreme Court; which said Court, on the application of any person making claim to such money, or to any part thereof by petition, is hereby empowered to order the same to be laid out and invested in the public funds, and to order distribution thereof on payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim thereto, and to make such other order in the premises as to the said Court shall seem proper; and the said Receiver General is hereby required to give a receipt for such money, mentioning and specifying therein for what and for whose use described as aforesaid the same is received, to the said Company, or to any person paying any money into his office under or pursuant to this Act.

LIX. WHERE any question shall arise touching the title of any person to any money to be paid into the Receiver General's Office in his name as aforesaid for the purchase of any lands, tenements, or hereditaments, or of any estate, right, title, or interest in any lands, tenements, or hereditaments to be purchased, taken, or used in pursuance of this Act for the purposes aforesaid, or to any annuities or securities to be purchased with any such money as aforesaid, or to the dividends or interest of any such annuities or securities, the person who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and all persons claiming under such person, or under or consistently

Disputed
right to
moneys in
hands of Re-
ceiver General.

with the possession of such person, shall be deemed to have been lawfully entitled to such lands, tenements, or hereditaments, according to such possession, until the contrary shall be shewn to the satisfaction of the said Court; and the dividends or interest of the annuities or securities to be purchased with such money, and also the capital of such annuities or securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the satisfaction of the said Court that such possession was a wrongful possession, and that some other person was lawfully entitled to such, or to some part of such lands, tenements, or hereditaments, or to some estate or interest therein.

Bye-laws
under seal of
Company evi-
dence.

LX. IN all cases of prosecution for offences against the bye-laws, rules, orders and regulations of the said Company, the production of a written or printed paper purporting to be the bye-laws, rules, orders and regulations of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be evidence of the existence of such bye-laws, rules, orders and regulations; and it shall be sufficient to prove that such bye-laws, rules, orders and regulations have been made public by the exhibition of a written or printed copy thereof in a conspicuous place at the office of the said Company.

Arrears of
water rates
may be re-
covered with
costs under
Petty Debt
Act.

LXI. WHERE the amount of rates in arrear, together with such charges, costs and expenses as are mentioned and authorized to be charged in and by the Act, shall not exceed the sum of ten pounds, whether the said Company shall or shall not be able to find any goods, chattels or effects whereon to levy, the same may at the option of the said Company be sued for and recovered, with all costs and charges against the party in arrear, and charged with the said charges, costs and expenses, by and in the name of the Chairman of the Directors of the said Company, in like manner as proceedings may now be had and taken for the recovery of debts not exceeding the sum of ten pounds; and all other sums of money

due and to be due to the said Company on any account whatsoever, whether on bond, bills, or open account or otherwise, not exceeding ten pounds, and whether the same shall be an original sum or a balance, shall be recoverable and enforceable in like manner as debts are recoverable under the Petty Debt Act; but in every such process the plaintiff therein shall be described as Chairman of the Directors of the said Company.

LXII. If from any cause the Company shall fail to deliver to the City of Kingston a full and sufficient supply of water for the space of six months continually, all the powers and privileges granted to the said Company by this Act shall cease and determine.

If Company fail to deliver water for six months together, privileges to cease.

* * * * *

LXVI. NOTHING in this Act shall be held, construed, or taken to give or confer upon the Kingston and Liguanea Water Works Company any exclusive right for privilege whatsoever in any other place or places, or within the limits of any other place or places, other than the City of Kingston, and the limits thereof.

Privilege confined to Kingston.

LXVII. NOTHING in this Act contained shall be held, construed, or taken to prevent the Legislature of this Island from making or authorising such further or other arrangements as the said Legislature shall or may consider expedient for the supply of the said City of Kingston, or any part thereof, with water, in case the said Company shall fail for a period of six months continuously to supply the said City of Kingston with such quantity of good and wholesome water as shall appear to the said Legislature to be sufficient, or if the said Company shall not at all times furnish its supply at such rate as the said Legislature shall deem reasonable.

Privileges of Company made conditional on continuous supply of water at reasonable rates.

* * * * *

LXIX. If any person shall throw any ballast, gravel, stone, mud, broken bottles, the dead carcase of an animal, blood,

Offences.

putrid meat, filth, night soil, or rubbish, into any part of the said water works, reservoirs, aqueducts, trenches, waters, water courses, or feeders, or into the Hope River, or into any stream or rivulet feeding the Hope River, or into any dam, gutter, or pipe for conveying water from the said Hope River used or to be used by the said Company for the purpose of this Act; or shall knowingly, willingly, and maliciously break or throw down, or injure any of the iron pipes, lead pipes, plugs, fire cocks, or any other works erected, made, or maintained for the purpose of the said Company or by virtue of this Act; or shall injure any part thereof, or waste or let off any water therefrom; every such person shall be judged guilty of felony, and the Court before whom such person shall be tried and convicted shall have power and authority to cause such person to be sentenced to hard labor in the general penitentiary of this Island for a term not exceeding three years; or, in mitigation of such punishment, such Court may award such sentence as the law directs in cases of injury to property.

* * * * *

Public Act.

LXXXIII. THIS Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, and be pleaded in any of the Courts of this Island,

* * * * *

CHAPTER XXXIX.

AN ACT to amend the "Judicial Amendment Act, 1855."

* * * * *

Change of
venue in cri-
minal cases.

III. It shall be lawful in all cases of criminal prosecutions for the Judges of the Supreme Court, on application either on behalf of the Crown or the accused, and on good cause shown, to change the venue and remove the trial from any one Court to any other.

IV. THAT the venue in all action shall be transitory, and shall be laid in the margin of each declaration and of each copy thereof, and be endorsed thereon respectively; and that the dividing Act Thirty-first George the Second, chapter four, and all other Acts or parts of Acts inconsistent herewith as to the places of trial of all causes of action whether local or transitory shall be, and is and are hereby repealed: Provided, that before trial the Supreme Court shall on good and sufficient cause shewn by a defendant, and after trial on good and sufficient cause shewn by either plaintiff or defendant, bring back or change the venue in any action.

Venue in
action to be
transitory.

CHAPTER XLIII.

AN ACT to secure the better registration of persons liable to perform Militia Duty, and for other purposes.*

ACTS OF 23 VICTORIA, SESSION 1.

CHAPTER VI.

AN ACT to amend the Laws relating to the Bath of Saint Thomas the Apostle.

WHEREAS it is necessary to amend the laws relating to the Bath of Saint Thomas the Apostle: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. THE Custos, and Members of Assembly for the Parish of Saint Thomas in the East, the Curate of the Parish of Bath, and five other persons residing in the said Parish of Bath, to

Incorporation.

* Repealed by Sec. 2 of Law 35 of 1879.

be elected by the Justices of the Peace for the Parish of Saint Thomas in the East in Special Session of no less than five Justices, on the passing of this Act, and such other persons residing in such parish as may from time to time be in like manner elected to fill any vacancy from death, resignation, departure from the Island, or removal from the parish, in the number of five persons so to be elected, shall be a Body Politic and Corporate, and be incorporated and have succession by the name of "The Directors of the Bath of Saint Thomas the Apostle;" and such Directors shall hold to them and their successors for ever all land now belonging to, or forming part of, the said Bath of Saint Thomas the Apostle, and vested in the present Directors of the same, and which may hereafter be purchased for the purposes of the said Bath, or the use of persons resorting to the same.

**Powers and
duties,**

II. THE Directors under this Act and their successors are hereby authorized and empowered, by the name of "The Directors of the Bath of Saint Thomas the Apostle" to perform the undermentioned duties, acts, matters, and things:—

To sue and be sued, implead and be impleaded, answer and be answered, in all Courts within this Island, and in all suits whatsoever, in the same manner as any other person or Body Politic or Corporate might do.

To demise, lease, or rent any part or the whole of the lands now belonging to the said Bath, or which may hereafter belong to the same, which shall not be required for the purposes of the said Bath, for any period not exceeding twenty-one years, for the most money that can be had or obtained for the same.

To have and use a Common Seal for making, granting, and demising such lands, and doing all other matters concerning the said Corporation, and to change or alter such seal whenever they, or a majority of them, shall think proper to do so.

To appoint a Clerk who shall reside in the Town of Bath, or its immediate neighbourhood; to remove such Clerk whenever they shall think proper, and appoint another in his stead; to pay such Clerk a salary not exceeding twenty pounds *per annum*, and to fill up vacancies in the situation of Clerk, whenever they may arise from death, dismissal, resignation, or removal from the Town of Bath or its immediate neighbourhood.

To employ such number of servants as may be necessary for the care of the Bath and Garden, and pay them reasonable wages for their services.

To make Rules and Regulations for the good government of the Bath and Garden, and the Physician, Clerk, Servants and Patients resorting to the Bath for the use of its waters; which Rules and Regulations, when approved of, and sealed with the Common Seal of the Corporation, shall have the same force and effect as if they had been included in and formed part of this Act; and shall be printed and hung up in some part of the premises of the said Bath to which access is generally had by patients and others visiting the Bath.

To meet quarterly in the Town of Bath on the thirty-first March, thirtieth June, thirtieth September, and thirty-first December of each year, or as soon thereafter as practicable, and inspect the premises, enquire into matters connected with the Bath and Garden, and examine and pass accounts against the Institution, and at such other times as they shall think proper, giving two weeks' notice in the Gazette by Authority of the day on which each special meeting is to be held, and the purpose for which convened; at all of which meetings three Directors shall form a quorum to proceed with and dispose of the business which shall come before them.

**Appointment
of Physician.**

III. THE Directors shall appoint a Physician to the said Bath, at a salary not exceeding forty-eight pounds *per annum* ; to remove * any such Physician, and appoint another in his stead, and to fill up vacancies in such office whenever they shall arise from death, dismissal, removal from the town or immediate neighbourhood of Bath, or resignation.

**Annual return
of visitors.**

IV. THE Physician shall prepare and lay before the Directors, at their first meeting after the thirtieth September in each year, a return of the number of persons who during the year ending the said thirtieth September, visited the Bath for the purpose of using the waters ; the nature of the diseases under which such persons laboured ; the number cured or relieved ; the period during which each remained at the Bath ; and the number remaining thereat on the said thirtieth September ; and three copies of such report, signed by the Physician, shall be forwarded by the Clerk to the Governor, one of which shall be laid before the Legislative Council, and another before the Assembly.

**Payment of
salaries.**

V. THE Clerk shall prepare and lay before the Directors a their meeting on or after the thirty-first March, thirtieth June, thirtieth September, and thirty-first December in each year, a schedule of the quarterly salaries due on the said days respectively, and of all accounts against the Bath for the quarter just ended ; and, upon the accounts contained therein being examined and passed by the Directors, such Clerk shall certify such Schedule, and transmit the same to the Commissioners of the Board of Audit ; and the amounts mentioned in such Schedule shall, upon the report of the Commissioner aforesaid, be paid by the Receiver General, by warrant under the hand of the Governor. He shall also prepare and lay before the Directors at their meeting on or after the thirtieth September in each year an account of all monies received and expended during the year just ended, setting forth the pur-

* "So" in Original.

poses for which such money had been expended ; and, upon such account being examined by the Directors and found correct, the said Clerk shall forward three copies thereof, certified by him, to the Governor, one of which shall be laid before the Legislative Council, and another before the Assembly.

VI. THE rents and profits of the lands belonging to the Bath which shall be collected and received by the Directors, with all other monies which shall come into their hands for the use of such Bath, shall be expended and laid out in the payment of the salaries of the Physician and Clerk, wages of servants, repairs, enlargement and improvement of the buildings, and accommodation of sick persons visiting the Bath for the use of the waters, the maintenance of such of them as are poor and unable to maintain themselves whilst at the Bath, the repairs of the road leading from the Town of Bath to the springs of mineral water, and the care of the Garden in the Town of Bath, and for no other purpose.

How moneys
of Trust to be
expended.

VII. THE Directors under this Act are hereby authorized and empowered, by the name of "The Directors of the Bath of Saint Thomas the Apostle," to institute and prosecute proceedings at law or otherwise for the recovery of all rents, debts, claims, demands or monies due to or belonging to the Bath of Saint Thomas the Apostle, or the late Directors thereof as such Directors.

Power to sue
for debts due.

VIII. THE words "Parish of Bath" shall mean the ecclesiastical district in the Parish of Saint Thomas in the East called the "Parish of Bath," and created under First Victoria, chapter thirty-four, and Ninth Victoria, chapter forty-four ; the term "Directors" whenever used in this Act shall mean the Directors for the time being ; the words "the Bath" shall mean "the Bath of Saint Thomas the Apostle ;" the word "lands" shall mean tenements and hereditaments ; the word "garden" shall mean the Botanic Garden in the Town of Bath.

Interpretation.

IX. [Repealing Clause.]

CHAPTER X.

AN ACT to amend the Acts for the management and regulation of the Customs in this Island, Seventeenth Victoria, chapter thirty-three, and Twentieth Victoria, chapter five.*

CHAPTER XV.

AN ACT to amend "The Judicial Amendment Act, 1855.†

CHAPTER XVI.

AN ACT in aid of "The Police Act, 1856," to provide for the execution of Warrants out of the Parish wherein the same may have been issued, and for other purposes.

WHEREAS it is expedient to provide for the service of execution of warrants of Justices of the Peace out of the Parish wherein the same may have been issued, without requiring the same to be backed or endorsed: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

Summons or warrant issued in one parish may be executed in another without endorsement.

I. EVERY summons to compel the appearance of any person, or warrant for the apprehension of any person, charged with any offence, issued by any Justices or Justice of the Peace in any parish, may be served or executed out of such parish by the Policeman or Constable to whom the same shall be directed, or any other Policeman or Constable, and shall have the same force and effect as if the same had been originally issued, or

* Repealed by sec. 241 of Law 18 of 1877.

† Repealed by sec. 2 of Law 25 of 1879.

subsequently endorsed, by a Justice or Justices of the Peace having jurisdiction in the parish where the same shall be served or executed.

* * * * *

III. THAT it shall be lawful for any Justice of the Peace before whom any person shall be brought under a warrant, and who shall be apprehended in another parish other than that in which the offence was committed, to take bail, by recognizance, for the appearance of such person before the Justices of the parish in which the offence was committed, in such an amount as the Justice shall think fit.

Bail may be taken in parish in which party apprehended.

CHAPTER XXI.

AN ACT to authorize the Vestry of Saint Andrew, and the Common Council of Kingston, to sell certain Lands bequeathed to the poor of the said parishes, and for other purposes.

WHEREAS Captain John Barton Phipps did, by his will, dated the thirtieth day of January, one thousand seven hundred and ninety-four, bequeath to the poor of the Parishes of Saint Andrew and Kingston a certain piece or parcel of land situate in the said Parish of Saint Andrew, containing one hundred and seventy acres; and Sarah Morris did also by her will, dated the twenty-fifth day of December one thousand eight hundred and eight, bequeath to the poor of the said parishes a pen or parcel of land, also situate in the said Parish of Saint Andrew, and containing eighty acres: And whereas no rents or profits are derived from such lands, and it is desirable to dispose of the same, and to apply the purchase-money to the use and benefit of the poor inhabitants of the said Parishes of Saint Andrew and Kingston: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

Power to sell.

I. It shall be lawful for the Vestry of the Parish of Saint Andrew, and the Common Council of the City of Kingston to sell, by public outcry, for the most money that can be got for the same, the two several pieces or parcels of lands aforesaid, situate in the Parish of Saint Andrew, and bequeathed by the said John Barton Phipps and Sarah Morris respectively to the poor of the Parishes of Saint Andrew and Kingston, together, separately, or in lots or parcels, and to grant valid titles for the same, or such portions thereof as shall at any time be sold by the direction of the said Vestry of Saint Andrew and Common Council of Kingston.

Sale to be
advertized.

II. EVERY parcel of such lands so intended to be sold shall be advertised for sale in one or more Newspapers published in the City of Kingston, for not less than six days; and such advertisement shall state the place and time of such sale, which shall be in the City of Kingston, and be signed by the Clerk of the Vestry for Saint Andrew, and the Clerk of the Common Council for Kingston.

Execution of
deeds.

III. It shall be lawful for the Vestry of Saint Andrew and the Common Council of Kingston to authorize the Clerk of the said Vestry, and the Clerk of the Common Council, to execute and deliver to the purchasers of such lands, or any of them, deeds for the lands which shall be purchased by them; and such deeds shall be in the form, or as nearly so as practicable hereunto annexed.

Recitals in
deeds.

IV. It shall not be necessary to do more in any such deed than to recite that the lands mentioned therein were bequeathed to the poor of the Parishes of Saint Andrew and Kingston; that the Vestry of Saint Andrew and the Common Council of Kingston have directed such lands to be sold, and authorize the Clerk of the Vestry of Saint Andrew, and the Clerk of the Common Council of Kingston, to execute and deliver deeds to the purchasers of such lands at such sales; that the vendors are the Clerk of the Vestry of Saint Andrew, and

the Clerk of the Common Council of Kingston; that such lands were put up to public sale in the said City of Kingston and the vendee named in such deed was the highest bidder at such sale.

V. THE purchaser of any such lands shall not be liable to see to the appropriation of the purchase-money of the same; and the deed, executed by the Clerk of the Vestry, and Clerk of the Common Council aforesaid, shall convey the fee simple of such lands to the purchaser thereof, his heirs and assigns for ever.

Purchaser
not liable to
see to appo-
riation of
purchase
money.

VI. THE Vestry of the Parish of Saint Andrew, and the Common Council of the City of Kingston, are hereby authorized to place at interest, in either or both of the banks in the City of Kingston, or to purchase island debentures with or to lay out in the erection of an alms house for the use of the poor of the said parish and city, all or such portions of such moneys as shall be received for the lands authorized by this Act to be sold; and when such moneys are placed at interest, or invested in debentures as aforesaid, to apply the interest which shall be received for the same towards the maintenance and support of the poor of the said parish and city rateably, according to the sums which shall be expended for the maintenance of the poor in each of the said parishes in each year.

Appropriation of
moneys
realised.

VII. THE term "lands" whenever used in this Act, shall mean tenements and hereditaments.

FORM OF DEED.

JAMAICA, SS.

By virtue of ' An Act to authorize the Vestry of Saint Andrew and the Common Council of Kingston to sell certain lands bequeathed to the poor of the said parishes and for other purposes,' This indenture is made this

Definition of
terms.

day of 186 , between A. B. of the Parish of and C. D. of the Parish of

of the first part, and E. F. of the Parish of
of the second part: Whereas the lands hereinafter mentioned were devised to the poor of the Parishes of Saint Andrew and Kingston, and the Vestry of Saint Andrew and the Common Council of Kingston have directed such lands to be sold, and authorized the Clerk of the Vestry, and the Clerk of the Common Council, to execute and deliver deeds to the purchasers of such lands at such sales: And whereas the said A. B. is the Clerk of the Vestry of the Parish of Saint Andrew, and the said C. D. is the Clerk of the Common Council of Kingston, and the said lands were put up to public outcry in the said City of Kingston, and the said E. E. was the highest bidder at such sale; This Indenture therefore witnesseth that by virtue of the recited Act, and in consideration of the sum of pounds, paid by the said E. F., previous to the delivery of this deed, the said A. B., as Clerk of the Vestry of the said Parish of Saint Andrew, and C. D. as the Clerk of the Common Council of the said City of Kingston, have granted, conveyed, and enfeoffed unto the said E. F. and his heirs, all that piece or parcel of land and hereditaments, situate in the Parish of , containing , be the same more or less, butting and bounding as per diagram hereunto annexed, or east on west on north on and south on , or howsoever otherwise the same may be butted, bounded, or known. To hold to the said E. F. and his heirs and assigns for ever.

A. B., c. v.

C. D., c. c. c.

Signed, sealed, and delivered by the said
A. B. and C. D. in the presence of .

CHAPTER XXIX.

AN ACT to extend the provisions of the Immigration Act 1858, to Chinese Immigration.*

CHAPTER XXX.

AN ACT for raising funds to defray the expense attendant on the introduction of Chinese women and children as free settlers in this Island.†

CHAPTER XXXI.

AN ACT to amend the Twenty-fourth Section of the Immigration Act, 1858, and to limit the duration of certain Contracts.‡

ACTS OF 24 VICTORIA.

CHAPTER II.

AN ACT for the better protection of Public Property, and of the Inhabitants of the Towns in the several Parishes of this Island, from accidents and dangers by fire.‡

WHEREAS it will greatly tend to the security of public property, and of the property of the inhabitants of the several principal Towns in this Island, from accidents and dangers by fire, if they were possessed of proper fire engines, and of the usual and necessary appliances for the extinguish-

* Omitted as obsolete.

† Repealed by Sec. 2 of Law 23 of 1879.

‡ Repealed as far as it relates to the Parish of Kingston by Sec. 19 of Law 44 of 1872. By Sec. 22 of Law 17 of 1875 provisions of this Act not to extend to any place where that Law is in force.

ing of fires, and if Firewardens were appointed: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is enacted by the authority of the same:—

Annual election
of Firewardens.

I. THAT from and after the passing of this Act it shall be lawful, where parishes are or may be provided with proper fire engines and the necessary implements, hose and sockets, for the Justices of the Peace of each parish, in Session assembled, yearly and every year afterwards, and they are hereby required, to meet to elect seven fit and proper inhabitants of the principal town in each parish as Firewardens, two of them at least to be Justices of the Peace for the parish, and residing in such town, or within half a mile of such town, and the other five to be householders of such town, and residing in such town, and who shall henceforward be denominated “The Firewardens for the Current Year,” and shall take and subscribe the following oath, which oath may be administered by any Justice of the Peace for the parish: Provided always, that where two Justices do not reside in the town, or within half a mile as aforesaid, it shall be lawful for the Justices assembled as aforesaid there to elect one Justice so situated, and, in failure of one, then to elect seven householders residing within such town.

OATH.

Oath to be
taken by Fire-
wardens.

I, A. B., do swear that I will well, faithfully, and impartially, and to the best and utmost of my power and ability, execute and discharge the office of Firewarden for the Town of in the Parish of for the current year, as directed by an Act of the Governor, Council and Assembly of Jamaica, entitled “An Act for the better protection of Public Property, and of the property of the inhabitants of the Towns in the several Parishes in this Island, from accidents and dangers by fire.”—So help me God.

II. THAT in case any such person so elected as aforesaid shall, after such election, refuse to take upon him the said office, and shall not, within ten days after notice in writing of such his election shall be given to him by or from the Clerk of the Magistrates, take and subscribe the said oath, such person, so refusing or neglecting to take the said oath, shall forfeit and pay a sum not exceeding five pounds, nor less than one pound for the use of the poor of the parish, to be recovered in a summary manner before any two Justices of the Peace for the parish; and, in default of payment, such fine shall be enforced by levy on the offender's goods and chattels: Provided always, that any reasonable excuse on oath, shall be taken and accepted by the Justice issuing the warrant.

Penalty on persons elected who shall refuse to take oath.

III. THAT the Justices of the Peace in each parish, in Special Session assembled, shall, immediately after the election of Firewardens as aforesaid, proceed to the election of Officers from such elected Firewardens, and prepare rules and regulations for the guidance of such fire company as aforesaid.

Election of officers.

Rules and regulations.

IV. THAT in case of the death or removal of any one or more of the Firewardens as aforesaid, it shall be duty of the Justices as aforesaid to elect another or others in their place.

Vacancies.

V. THAT such parishes for which there are special enactments relating to the protection of property against fire and the establishing of Firewardens shall not come under the provisions of this Act, but shall be exempt therefrom.

Limitation of Act.

VI. THAT the word "principal town," shall be understood to mean all such towns or villages in which there shall be the Court House, or other building, the property of the Public of Jamaica.

Interpretation.

CHAPTER IV.

AN Act for carrying into execution, in this Island, "The West Indian Incumbered Estates Acts, 1854-1858."*

* Omitted as for all practical purposes obsolete.

CHAPTER IX.

AN ACT to amend the Nineteenth Victoria, chapter thirty-nine, entitled "An Act for the establishment of Free Schools, in the Parish of Manchester."

WHEREAS by the Acts of the Legislature of this Island, Eighteenth Victoria, chapter fifty-four, and Nineteenth Victoria, chapter thirty-nine, the principal sum of nine thousand pounds, at the time of the passing of the former Act standing at the credit of the Trustees of the Free School of the Parish of Vere, in the Receiver General's books, was apportioned and appropriated, fifty-seven eighty-second parts, or six thousand two hundred and fifty-six pounds thereof, to the credit of an account to be opened in the said books with the Trustees of the District School of Vere, incorporated under the former of the said Acts; and twenty-five eighty-second parts, or two thousand seven hundred and forty-four pounds thereof, to the credit of an account to be opened with the Trustees of the District Schools of Manchester, incorporated under the latter of the said Acts; but both the said principal sums were to continue to carry interest after the rate of eight pounds per annum; and the annual interest only of the said sums of six thousand two hundred and fifty-six pounds, and two thousand seven hundred and forty-four pounds, was to be drawn by the said respective Trustees: And whereas by the Act Eighteenth Victoria, chapter fifty-four, the Trustees of the District School of Vere were endowed with the legal estate of and in the real estate theretofore the property of the Trustees of the Free School of the Parish of Vere, and with the rights and powers of the said former Trustees in relation thereto, and where by that Act, and the subsequent Act, Nineteenth Victoria, chapter thirty-nine required, within fourteen days after the receipt of any monies on account of rents, rent charges or arrears thereof, issuing out of or chargeable upon any real estate which, at the time of the passing of the former

Act, belonged to the Trustees of the Free School of the Parish of Vere, or which were then chargeable with any annuity or other sum in favor of the said last-mentioned Trustees, to pay over to the Receiver General of this Island twenty-five eighty-second parts of each and every such sum, to be held by the Receiver General to the credit of the account directed to be opened by him with the Trustees of the District Schools of Manchester: And whereas under the former of the said Acts, which was similar in its objects to the Nineteenth Victoria, chapter thirty-nine, but for the benefit of the Trustees of the District School of Vere only, the proportion allotted to the Parish of Vere of such principal sums of money as, on the arbitration or compromise of any claims to any arrears of rent charge or of annuity, or to any sum or sums of money due and owing, or to accure and become due and owing, to the said Trust, should be received in lieu and full satisfaction of such arrears or sums of money, was to be carried to increase the capital of the said Trust: And whereas doubts are entertained whether the twenty-five eighty-second parts of the moneys arising from rents, rent charges, or the arrears thereof (not being the proportion allotted to Manchester of any principal sum received on arbitration or compromise as aforesaid) were intended to be applied to the increase of the capital of the Trustees incorporated under the Nineteenth Victoria, chapter thirty-nine: And whereas it is expedient to remove such doubts, and to assimilate the Acts Eighteenth Victoria, chapter fifty-four, and Nineteenth Victoria, chapter thirty-nine, in this respect, and to authorize the Trustees of the District Schools of Manchester to draw on the Receiver General to pay from time to time the principal of all such sums, (not being sums arising, by way of arbitration or compromise as aforesaid) which shall have been paid by the Trustees of the District School of Vere to the Receiver General, to the credit of the account of the Trustees of the District Schools of Manchester, when and as any part thereof shall be required

to the order of the said last-mentioned Trustees, to be by them applied and appropriated for the purposes of the said Trust, in the same way, and subject to the same directions, as they are by the said Act authorized to apply, and appropriate the annual interest of the said sum of two thousand seven hundred and forty-four pounds : Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

Receiver General to pay to Trustees of Manchester District Schools certain monies.

THAT the Receiver General shall be, and is hereby authorized and directed, from time to time, to pay to the order of the said Trustees of the District Schools of Manchester all and every sum and sums of money which have been at any time since the passing of the first-mentioned Act, or which may hereafter be at any time, paid by the Trustees of the District School of Vere into the Treasury of this Island under the said Acts, as the share and proportion of the Trustees of the District Schools of Manchester on account of rents, rent charges, annuities, or the arrears thereof (not being monies received on the arbitration or compromise of claims as in the said Act of the Eighteenth Victoria, chapter fifty-four mentioned) to be by the said Trustees of the District Schools of Manchester applied and appropriated for the purposes of the said Trust, in the same way, and subject to the same directions, as are in and by the said Act Nineteenth Victoria, chapter thirty-nine declared of and concerning the interest of the said sum of two thousand seven hundred and forty-four pounds, and the other annual funds of the said Trust, anything in the said hereinbefore recited Acts, or either of them, to the contrary thereof notwithstanding.

CHAPTER XII.

AN ACT to punish Breaches of Trust by Tradesmen.

WHEREAS the provisions of an Act passed in the sixth year of the reign of her Majesty Queen Victoria, chapter thirty-eight, for the punishment of breaches of trust by tradesmen, have been found inadequate for the prevention or check of frauds by dishonest tradesmen, and it is necessary to make other and more stringent provisions for the punishment of such frauds : Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

I. THE said recited Act (Sixth Victoria, chapter thirty-eight) Repeal.
is hereby repealed.

II. NOTWITHSTANDING the repeal of the said Act all offences Offences under repealed Act.
thereunder may be dealt with in like manner as if the same were still unrepealed : Provided, that any complaint for any such offence be preferred within six months from the passing of this Act.

III. IF any tradesman shall contract with any person to perform any work for reward (whether the amount of such reward shall, at the time of the making of the contract, be fixed and agreed upon or not), and if, in pursuance or on the faith of such contract, such tradesman shall receive, as and by way of advance or in anticipation of such reward, any sum or sums of money not exceeding in the whole the sum of ten pounds ; or if any sum or sums of money, not exceeding in the whole the sum of ten pounds, shall be paid to such tradesman* for the purchase† of materials necessary for such work, or for any other purpose in relation thereto ; and if such tradesman shall, without any lawful excuse, neglect or refuse to perform such contract, either within the time specified for the completion of the same, or, in the absence of any agree-

Tradesman neglecting to perform his contract, having been paid in advance.

* “ tradesmen ” in Original.

† “ purpose ” in Original.

ment as to time, within such time as the Justices hearing any complaint to be brought under the provisions of this Act shall deem to be reasonable, and shall neglect or refuse, when so required, to repay to the person with whom he shall have so contracted, or to his agent lawfully authorized, such sum of sums of money as he shall have so received, such tradesman shall, on conviction before any two Justices of the Peace of the parish where such contract shall have been made, or such tradesman shall at the time of the complaint be resident, be adjudged to pay, over and above the amount so received by him, a fine or penalty not exceeding the sum of five pounds.

Tradesman neglecting to perform his contract, having received, in whole or part, his materials.

IV. If any tradesman having contracted as aforesaid shall receive any materials not exceeding in value the sum of five pounds for the purpose of being wrought up or used in the work so agreed to be performed ; and if such tradesman shall, without any lawful excuse, neglect or refuse to perform his contract within such specified or reasonable time as aforesaid, and shall neglect or refuse, when so required, to return to the person with whom he shall have so contracted, or to his agent lawfully authorized, the materials, or any part thereof, so delivered to him, such tradesman shall, on conviction before any two Justices having jurisdiction as aforesaid, be adjudged to pay, over and above the value of such materials, a fine or penalty not exceeding the sum of five pounds.

Tradesman receiving goods to be repaired, &c., neglecting to fulfil his contract.

V. If any goods, wares, articles, or chattels of any description or value whatsoever shall be delivered to any tradesman or other person for the purpose of being repaired, fashioned, altered, or cleansed for reward (whether the amount of such reward shall be specified or not) ; and if such tradesman shall, without any lawful excuse, neglect or refuse to repair, fashion, alter, or cleanse the same ; and shall, after the expiration of such specified or reasonable time as aforesaid, neglect or refuse when so required, to return the same, or any part thereof, such tradesman or other person shall, on conviction before any

tow Justices having jurisdiction as aforesaid, forfeit and pay over and above the value of the goods, wares, articles, or chattels unlawfully detained, a fine or penalty not exceeding the sum of five pounds.

VI. IF it shall appear, upon due proof to the Justices before whom any complaint under this Act shall be heard, that such tradesman or other person has sold, pawned, converted to his own use, or otherwise misappropriated any materials, goods, wares, articles, or chattels delivered to him for the purposes in this Act stated, such Justices may abstain from the infliction of any fine or penalty, and in lieu and stead thereof, may adjudge the offender to be forthwith imprisoned in any jail, house of correction, or penitentiary, with or without hard labour, for any period not exceeding ninety days.

Tradesman misappropriating goods given him to be repaired, &c.

VII. IF any fine or penalty imposed under the authority of this Act, together with costs, if adjudged, shall not be paid forthwith, or within such time, not exceeding thirty days, as the Justices shall appoint, it shall be lawful for such Justices to adjudge the offender to be imprisoned in any jail, house of correction, or penitentiary, with or without hard labour, for any period not exceeding ninety days.

Enforcement of penalties.

VIII. THE party aggrieved in any complaint to be determined by the Justices shall, on conviction of the offender, be entitled to receive, out of any fine or penalty imposed and paid, such sum of money as shall, in the opinion of the Justices, be adequate compensation for the injury which such aggrieved party shall prove to have been sustained by him.

Compensation to party aggrieved out of fine.

IX. NOTHING in this Act contained shall prejudice or affect the right of lien of any tradesman as at present existing.

Saving right of lien.

X. ALL proceedings under this Act shall be in conformity with the provisions of the Thirteenth Victoria, chapter thirty-five, except in so far as anything in this Act contained may be repugnant thereto.

Proceedings to be in conformity with 13 Victoria, chap. 35.

The breach of contract may in certain be prosecuted as a fraud.

XI. THAT any breach of contract in any of the matters or respects hereinbefore provided, where the amount of the contract, or the amount of materials furnished or money advanced should exceed the limit of ten pounds, and be beyond the jurisdiction of the Justices, unless the informant and defendant shall consent to submit to such inferior jurisdiction, shall be prosecuted as a fraud. and be punishable on indictment by fine alone, or by fine and imprisonment, with or without hard labour, for any term not exceeding one year.

Interpretation of terms.

XII. THE following words and expressions shall have the several meanings hereby assigned to them; namely, "tradesman" shall signify and include handicraftsman, artificer, manufacturer, laundress, and workman, or person following any trade, business, or mystery whatsoever; "materials" shall include goods, wares, articles, chattels, and things of any kind or description whatsoever; "work" shall signify and include any work in any trade, handicraft, manufactory, or business whatsoever, and any repairing, fashioning, altering, or cleansing whatsoever.

CHAPTER XIII.

AN Act to repeal so much of the Twenty-ninth George Second, chapter four, and the Seventeenth Victoria, chapter twenty-nine, as relates to the article of Molasses.

WHEREAS by the twenty-ninth of George the Second, chapter four, the importation of molasses, the produce and growth of certain foreign Colonies, is prohibited: And whereas also by the fortieth section of the Seventeenth Victoria, chapter twenty-nine the importation of foreign molasses is also prohibited: And whereas it is expedient that such prohibitions should cease: Be it therefore enacted by the Governor, Legislative Council, and Assembly, and it is hereby enacted by the authority of the same, that so much of the said twenty-

Prohibition to

ninth of George the Second, chapter four, as prohibits the importation of foreign molasses, and so much of the said fortieth section of the Seventeenth Victoria, chapter twenty-nine, and the Schedule E to the said last-mentioned Act, as prohibits the importation of foreign molasses, and such other provisions of the said respective Acts as may in any way be repugnant to the provisions of this Act, shall be, and the same are hereby, respectively repealed.

CHAPTER XVI.

AN ACT to make further provision for Immigration into this Island.*

* * * * *

V. FOR the purpose of providing funds for the importation of Immigrants, and for the repayment of the monies to be borrowed under the provisions of "The Immigration Loan Act, 1858" (Twenty-second Victoria, chapter three,) there shall be levied, raised, and paid the funds and monies hereinafter mentioned, in lieu of the funds and monies provided and set apart for such purposes by any existing Act or Acts now in force, save and except the Export Duties imposed by the Fifteenth Victoria, chapter thirty-nine, entitled "An Act for the raising of moneys, to be applied to the introduction of free labourers, and for other purposes."

Funds for importation of Immigrants.

* * * * *

XI. THE second section of the Immigration Loan Act, 1858 (22 Victoria, chapter three), so far as the same directs that the bonds and debentures therein mentioned shall be made redeemable six years at farthest after the date thereof shall be repealed.

Amendment of 22 Vic. c. 3.

* * * * *

XIII. THE seventh section of the said "Immigration Loan Sinking Fund.

* Repealed by Sec. 2 of Law 23 of 1879, except Sections 5, 11, 13, 14, 15, 16, 17, 18, 22, 24, 25, 26.

Act, 1858," shall be repealed; and a sinking fund established as hereinafter mentioned.

Provision
therefor.

XIV. For the redemption of the principal moneys from time to time to fall due upon such bonds or debentures, there shall be established a sinking fund, to which sinking fund there shall be carried and appropriated, in each year, a sum of money sufficient to meet the repayment of such bonds and debentures respectively as the same shall from time to time become due and payable; and the Receiver General, under warrant from the Governor, shall annually remit such moneys to the Agent or Agents in Great Britain appointed, or to be appointed, under the authority of the said "Immigration Loan Act, 1858," to be invested in the public funds of Great Britain.

XV.*

XVI.*

XVII.*

XVIII.*

* * * * *

Further Immi-
gration Fund
Account.

XXII. So soon as this Act shall come into operation the Receiver General shall close the "New Immigration Fund Account" required to be kept by him under the provisions of the said Immigration Loan Act, 1858, and shall open and keep in his books an account, to be called "The Further Immigration Fund Account, 1861," and shall carry to the debit and credit thereof respectively all the balances at the debit and credit of the account hereinbefore directed to be closed, as also of all other moneys to be from time to time received or paid under the provisions of this Act; and all moneys directed by any of the Acts herein recited or before referred to to be payable out of the account hereby directed to be closed shall be payable out of any moneys from time to time at the credit of the said "Further Immigration Fund Account, 1861."

* These Sections were omitted in Messrs. Ker and Schalch's Revised Edition, and are accordingly omitted here, though unrepealed by Sec. 2 of Law 23 of 1879.

* * * * *

XXIV. IF, in any year, there shall be any surplus of the moneys to the credit of the said Further Immigration Fund Account, 1861, and those to be invested under the authority of this Act, after meeting the payments of interest and sinking fund, and all other charges, as hereinbefore directed, it shall be lawful for the Governor, with the advice of the Executive Committee, to apply such surplus for Immigration purposes.

Appropriation
of certain
surplus.

XXV. AFTER making full provision for the remittance from time to time of the amounts required to meet the due and punctual payment of the half-yearly interest on the bonds or debentures already or to be issued under the authority of the said Act, Fifteenth Victoria, chapter thirty-nine, and of the Act of the Sixteenth Victoria, chapter twenty, entitled, "An Act to extend and in aid of the provisions of the Act Fifteenth Victoria, chapter thirty-nine, entitled 'An Act for the raising of moneys to be applied to the introduction of free labourers, and for other purposes,'" as well as the annual payments of the said Acts provided for the redemption of the principal of such bonds or debentures, as also of any other principal or interest moneys already charged upon the produce of the duties received, or to be received, by the means and powers of the said Acts, or either of them, the Receiver General shall carry the surplus (if any) of the moneys to be raised thereunder in any year to the credit of the "Further Immigration Fund Account, 1861," provided by this Act for Immigration purposes.

Appropriation
of cer-
tain surplus.

XXVI. THE export duties raiseable, to be levied under the Fifteenth Victoria, chapter thirty-nine, and under this Act, shall continue to be raised, collected and enforced, only so long as there shall be due and owing or unpaid any monies for the introduction of Immigrants, or for loans contracted for the purposes of their introduction, for the payment of the principal and interest, whereof full provision shall not have been made.

Duration of
certain duties.

CHAPTER XIX.

AN ACT in aid of the "Prisons Consolidation Act, 1856,"
(Twentieth Victoria, chapter eleven.)*

CHAPTER XXII.

AN ACT to authorize the transfer of Insane Prisoners
from the Prisons to the Lunatic Asylum.*

CHAPTER XXIII

AN ACT to amend the Twenty-third Victoria, chapter
six, entitled "An Act to amend the Laws relating to
the Bath of Saint Thomas the Apostle."

WHEREAS the Act of the Twenty-third Victoria, chapter
six, relating to the Bath of Saint Thomas the Apostle,
is rendered inoperative, or nearly so, by reason of the elec-
tion of Directors being required to be made of five persons
resident in the parish or ecclesiastical district of Bath, and
difficulty is experienced in obtaining sufficient resident per-
sons to fill such offices from within those limits, and it is de-
sirable to extend the area of selection: Be it enacted by the
Governor, Legislative Council, and Assembly, and it is here-
by enacted by the authority of the same, that so much of the
said Law as requires the election of Directors to be made
from within the limits of the parish or district of such por-
tion of Saint Thomas in the East shall be repealed; and that
from and after the passing of this Act such election shall be
made from persons resident in the Parish of Saint Thomas in
the East.

Election of
Directors.

* Repealed by Sec. 97 of Law 18 of 1882.

CHAPTER XXIV.

AN ACT to relieve Renouncing Executors.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. THAT any person named and appointed an Executor or Executrix who shall have in any way acted or interfered with the estate of his or her Testator or Testatrix, and who shall at any time execute and record, in the office of the Secretary of this Island, a deed of renunciation and disclaimer of such office and appointment of Executor or Executrix, shall, immediately on the record of the said deed of renunciation, be absolutely relieved and discharged of the said Trust: and shall not be joined as a plaintiff or a defendant in any action, suit, or proceeding in any Court of this Island.

Executor
executing
deed of re-
nunciation.

II. EVERY person who shall execute and record in the office of the Secretary of this Island such deed of renunciation and disclaimer of such office and appointment of Executor or Executrix shall be deemed and taken to have for ever abandoned and surrendered all right, title, interest, and claim to the office and appointment of Executor or Executrix under the will of the person by whom he or she was so named and appointed an Executor or Executrix, and shall not at any time thereafter be entitled to claim or have granted to him or her probate of the will of his or her Testator or Testatrix.

Effect of
deed.

CHAPTER XXV.

AN ACT to enable Henry Vendryes, of the City and Parish of Kingston, gentleman, to practice as an Attorney, Solicitor, and Proctor of the several Courts of this Island.*

* Omitted, as of private nature.

CHAPTER XXVI.

AN ACT to provide by way of loan, not exceeding forty thousand pounds in the whole, for the repayment to the Public Revenue of Monies borrowed thereout on account of Main Road Expenditure, and for the further maintenance and construction of Main Roads and Bridges.

WHEREAS it is necessary to provide for the repayment to the Public General Revenue of the sum of seventeen thousand eight hundred and ninety pounds nine shillings and three pence, expended thereout in the improvements of the main roads of this Island, and likewise for the interest, for the current year, on the loan raised under The Main Road Fund Act (Twenty-first Victoria, chapter thirty-four); and it is also necessary to provide further funds for the maintenance and construction of main roads and bridges: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Power to
raise loan.

I. THE Governor, with the advice of the Executive Committee, shall have full power and authority to borrow and raise, either in this Island, or in Great Britain, by bond, debenture, or otherwise, such sum, not exceeding in the whole the sum of forty thousand pounds, for the purposes of this Act, as the same shall be required, in like manner as is prescribed, and with the same powers as are given by the third and fourth sections of The Main Road Fund Act, one thousand eight hundred and fifty-seven, Twenty-first Victoria, chapter thirty-four: Provided always, that it being the object of this Act that the sum required to be borrowed shall be obtained by loan in Great Britain, or in this Island, nothing contained herein shall be construed into empowering the Governor, and Executive Committee, to borrow any moneys, bearing interest, in the Receiver General's Office, or any moneys whatever that are or may be in the said office belong-

ing to the public, for the purposes of this Act, and placing as security, in lieu thereof, bonds or debentures authorized to be issued thereunder.

II. THE Receiver General, shall from time to time, pay the half-yearly interest, as the same shall fall due, on all bonds or debentures payable in this Island; and shall remit to the agent or agents in Great Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half yearly interest to fall due, and be then payable, such interest to be payable out of any monies then at the credit of the Main Road Fund Account; or, if the same shall at any time be deficient, such deficiency shall be made good out of any other unappropriated public revenue in his hands, but to be repaid after the first and readiest monies afterwards to come to his hands on account of such Main Road Fund.

Interest on
loan.

* * * * *

IV. ALL monies to be raised or borrowed under the provisions of this Act shall be paid to the Receiver General, and carried to the Main Road Fund Account, directed to be kept under The Main Road Fund Act, one thousand eight hundred and fifty-seven, Twenty-first Victoria, chapter thirty-four, and shall be transferred to the management of the Main Road Commissioners for the purposes of this Act, and shall be entered as The Main Road New Loan Fund; and the interest on all monies so raised or borrowed shall be a charge upon the monies carried to the credit of such fund; and, if such fund shall prove insufficient, the credit of the Island shall stand pledged for any deficiency.

To what credit
monies received
under this Act
to be carried.

V. FROM and after the first day of January, one thousand eight hundred and sixty-two, no land tax due or chargeable on any land in this Island shall be redeemable, anything in any Act to the contrary notwithstanding; but all lands, whereon the land tax shall have been, up to such first day

Land tax not
redeemable
after 1st Jan.,
1862; but such
land as has
been redeemed
to that date to

remain exempt
from tax.

of Sanuary, one thousand eight hundred and sixty-two, redeemed, according to the provisions of any Act of this Island, shall hereafter remain redeemed and exempt from such tax, as they would otherwise have been if this Act had not been passed.

* * * * *

CHAPTER XXVII.

AN ACT to provide for the issue of Exchequer Bonds, to meet the public liabilities at thirtieth of September, one thousand eight hundred and sixty.*

ACTS OF 25 VICTORIA.

CHAPTER I.

AN ACT to amend the Act of the Twenty-fourth Victoria, chapter four, for carrying into execution, in this Island, The West Indian Incumbered Estates Acts, 1854–1858.†

CHAPTER II.

AN ACT in aid of “The Industrial Schools Act, one thousand eight hundred and fifty-seven” (Twenty-first Victoria, chapter forty-one.)‡

* Omitted as having had its effect.

† See Note to Act amended.

‡ Repealed by Sec. 1 of Law 34 of 1881.

CHAPTER V.

AN ACT to grant a Revenue to Her Majesty by a duty upon Rum and other Spirits distilled in this Island, and to allow a drawback on certain Compounds exported from this Island, and manufactured from Spirits distilled therein, to the extent of the Spirit used in their manufacture or composition.

* * * * *

IV. EVERY person exporting any quantity, not less than ninety gallons, of any cordial, liqueur, or compound manufactured in this Island, and of which any spirit distilled in this Island shall form a component part, shall be entitled to receive, by way of drawback, and be paid by the Receiver General, on the warrant of the Governor, the proportion of spirit duty next mentioned; that is to say, at the rate of sixpence for every gallon of any such cordial, liqueur, or compounds exported, on its being certified by the Collector and Controllor of Customs at the Port of Kingston, or the Sub-Collector at any other port of export, accordingly, to the port from which the export shall have been made, that it has been satisfactorily shewn to such Collector and Controllor, or Sub-Collector, as the case may be, that the cordial, liqueur, or compound exported was manufactured in this Island, and that not less than twenty gallons of rum distilled in this Island, were used as a component part thereof, and that the full duty, at not less than the rate of duty by this Act imposed on rum distilled in this Island, was paid on the whole of the spirit so used, which certificate shall be in the form hereunto annexed.

Drawback
allowed on
cordials, &c.
exported.

FORM OF CERTIFICATE.

These are to certify, that _____ [of the Parish of
has exported from this port of
in the ship or vessel called _____ puncheons,

CHAPTER IX.

AN ACT for the Government of the new Lunatic Asylum.*

WHEREAS it is expedient to provide for the supervision and government of the new Lunatic Asylum at Kingston : Be it enacted by the Governor, Legislative Council and Assembly of this Island, as follows :—

* * * * *

II. THE Board of Visitors shall meet once a quarter, or oftener, if necessary, at the Institution, and inspect and examine the books and accounts thereof, if they shall think fit to do so ; and inspect the wards, cells, stores, and every other place, and the liquors, and provisions, and medicines in store, and receive and investigate any complaints which shall have been preferred by or against any officer, servant, patient, or inmate ; and shall, if they think necessary, report thereon to the Governor, and draw up and transmit to the Governor such other reports and returns as they shall, from time to time deem necessary, or which the Governor may call for in respect of any matter relating to the said Institution ; and any of the members of the said Board of Visitors shall be at liberty to call at and inspect the Asylum, or any portion of it, at any hour of the day or night they or any one or more of them shall deem proper, and shall see and examine any inmate, if they shall think fit ; and further the said Board of Visitors shall have power to suggest such alterations in the rules and regulations of the Institution as they may from time to time think necessary, for submission by the Inspector and Director for the consideration of the Governor in Executive Committee.

Duties of
Visitors.

* * * * *

IV. A Book shall be kept at the Institution, to be called the “VISITOR’S BOOK,” in which every member of the Board of Visitors who shall visit the Institution shall enter the year,

Visitor’s book

* This Act, Law 30 of 1873 and Law 29 of 1885 have been since incorporated by Sec. 4 of Law 29 of 1885.

the day of the month, and hour on which he shall have visited the same, with any remarks he may deem necessary to make respecting any matters connected with the management or regulation of the same; a copy of all which entries shall be made and forwarded weekly to the Governor by the Clerk.

* * * * *

Appointment
of Medical Su-
perintendent.

VI. It shall be lawful for the Governor from time to time to appoint, and at pleasure remove, a Medical Superintendent to the Asylum; and if he shall deem it expedient, may from time to time engage the services of a duly qualified Medical Officer, trained and accustomed to the modern treatment of the insane; and as occasion may require, to make an acting appointment. Every permanently appointed Medical Superintendent shall reside upon the premises, and devote his entire time and attention to the interest of the Institution; but, in case of an acting appointment, residence upon the premises, and exclusive attention to the Institution, may be dispensed with; and for the services of any qualified medical man holding such acting appointment such reasonable allowance shall be made as to the Governor, with the advice of the Executive Committee, may seem fit not exceeding the rate of three hundred pounds per annum, to be paid out of the sum hereby allowed for the salary of a Medical Superintendent. Such salary shall be at the rate of six hundred pounds per annum, and, in case of an appointment of a Medical Superintendent from abroad, the Governor may allow him not exceeding sixty pounds for his expenses of removal to this Island.

* * * * *

Transfer of
female lunatics.

XII. So soon as the new Lunatic Asylum shall be ready for the reception of females, and notification thereof shall have been published by direction of the Governor in Executive Committee in the Jamaica Gazette by authority, or any other newspaper, the females of unsound mind who shall

then be in the Public Hospital shall be transferred to the said new Lunatic Asylum.

XIII. ALL persons of unsound mind charged with the commission of felony, and acquitted on account of insanity, or who shall be found to be insane at the time of arraignment, or who, under the authority of any Act now or to be in force may be committed or removed to a Lunatic Asylum.

Criminal lunatics.

XIV. UPON information being laid before any Justice that any person in destitute circumstances, and whose relations or friends are unable or unwilling to take charge of him, is wandering at large, and deemed to be insane, and that it is dangerous he should be permitted to go at large, such Justice shall issue his warrant to apprehend such person and bring him before any two Justices of the parish for examination; which Justice or Justices shall have power to summon witnesses, and call to their assistance a legally qualified Medical Practitioner; and if, upon examination, it shall appear that such person is of unsound mind, and so disordered in his senses that it will be dangerous to permit him to continue at large, such Justices shall have power, by order or warrant under their hand to cause such person to be conveyed to and be detained in the new Lunatic Asylum; which warrant, accompanied by a certificate, signed by the Medical Practitioner, that such person is a fit subject to be confined in a Lunatic Asylum, and stating the form of disease under which the person labours, shall be delivered and left at the Institution at the time such person shall be received thereat: Provided, that if more than four weeks' time shall have elapsed from the period of the granting of the medical certificate, in such case it shall be necessary to obtain a fresh certificate of the person's mental state after examination by a duly qualified Medical Practitioner, previous to such person being received into the Asylum; and in case of any person being sent to the Asylum for

Insane persons in destitute circumstances.

admission who shall appear to the Medical Superintendent to be an unfit subject for admission, it shall be lawful for the said Superintendent, with or without further consultation with the consulting attendant, or other medical man to refuse to receive such person; in which case the Medical Superintendent shall have power to send such person if he be sick or destitute, to the Public Hospital, or to the Poor House, and shall at the same time enter his reasons for so acting in the books of the Institution, a copy of which shall forthwith be transmitted to the Governor by the Inspector and Director. Any person admitted as an inmate to the Asylum may be at any time delivered up to his friends or relations, or, upon recovery, discharged, if, in the opinion of the Medical Superintendent, it shall be safe and expedient to do so.

* * * * *

Lunatic may
be received
on applica-
tion of rela-
tives.

XVI. It shall be lawful for the Medical Superintendent to receive, as an inmate of the Institution, any insane person, at the instance of any relative or friend who shall be willing to pay, and shall give security, as the Inspector and Director shall fix, for payment of the costs and charges for maintenance and treatment of such insane person, at the rate of not less than one shilling and sixpence *per diem*, and also of any additional charges for clothing, extra diet, or otherwise, and funeral expenses, upon there being left with the Medical Superintendent a certificate, signed by two legally qualified Medical Practitioners, to the effect that they had each separately, and at least on two occasions, examined such person as to his mental condition, and that such person is in their opinion insane, and a fit subject to be confined in the Asylum.

Register of
inmates.

XVII. THE Medical Superintendent shall, immediately on the admission of any person as a lunatic into such Asylum, make an entry with respect to such lunatic, in a book to be kept for that purpose, to be called "THE REGISTER OF INMATES," according to such form as shall be agreed upon by

the Board of Visitors, and sanctioned by the Governor in Executive Committee, and which register shall be regularly entered up, and, at all convenient times, be open to the inspection of the Inspector and Director, as also to the Members of the Board of Visitors.

XVIII. It shall be the duty of the Medical Superintendent, with the assistance of the Dispenser and the Clerk, to keep regularly written up to date all such books as may be fixed upon, and which shall be provided by the Board of Visitors as aforesaid; and it shall be the duty of the Medical Superintendent to keep a full and faithful record of daily occurrences in the Institution, together with a written statement of the past (so far as it can be obtained) and present history of every inmate; and which several books shall be open to the inspection of the Inspector and Director, as also to the Members of the Board of Visitors at all convenient periods; and further the Medical Superintendent shall annually, as soon after the thirtieth of September as practicable, prepare a medical report of the state and condition of the Institution, and its inmates; and which report shall be submitted to the Board of Visitors by the Inspector and Director, as is hereinbefore provided.

Duties of Superintendent.

XIX. In case of the death of any patient in the Asylum, a notice, and statement, according to the form in Schedule marked A annexed, of the death and cause of the death of such patient, and the name of any person or persons who was or were present at the death, shall be drawn up and signed by the Clerk and Medical Officer of such Asylum, and a copy thereof shall be by the Clerk transmitted to the Registrar of Deaths for the district.

Deaths of inmates.

XX.* It shall be lawful for the Inspector and Director, upon the discharge of any destitute patient from the Asylum,

Discharge of destitute inmate.

* Power vested by this Section in the Inspector and Director vested in the Medical Superintendent by Section 3 of Law 29 of 1885.

to furnish him with means to support himself until he can return to his home or friends, not exceeding one shilling *per diem*, or eight shillings in the whole for any such discharged patient.

Property of
insane per-
sons.

XXI.* If any insane person shall at the time of admission be possessed of any property, the same shall be taken charge of by the Clerk, and full particulars thereof be entered in a book to be kept by him, which entry shall be attested by the Medical Superintendent; and such property, or a sufficient portion thereof, shall be liable for the medical attendance, maintenance, and support, at the rate of one shilling and six pence *per diem* of such insane person, as also of his funeral expenses, in case of death, and may be sold by the Inspector and Director to defray the same. Any remaining property, and surplus money shall be delivered up and paid over to the patient upon his discharge, or, in case of his death, to the parties legally entitled thereto, upon application.

Recovery of
monies due
on account
of patients.

XXII.* ALL monies which now are or hereafter shall be owing by or on account of patients, or for their funeral expenses, shall be recoverable by the Inspector and Director in the Petty Debt Court at Kingston, or of the parish in which the defendant may reside, at the option of the Inspector and Director, without limitation as to the amount to be recovered; and for recovery thereof out of the estates and effects of any person of unsound mind it shall be sufficient to serve the summons addressed to him upon the Medical Superintendent; and judgment may be enforced under the provisions of any Petty Debt Act then in force, except as respects the imprisonment of such person, while of unsound mind.

Lunatics
having pro-
perty appi-
cable to their
mainte-
nance.

XXIII.* If it shall appear to any two Justices of the Peace that any lunatic hath any estate applicable to his maintenance, and more than sufficient to maintain his family, if any,

* Power vested by this Section in the Inspector and Director vested in the Medical Superintendent by Sec. 3 of Law 29 of 1885.

it shall be lawful for such Justices, on the application of the Inspector and Director, to make an order, in writing, under their hands and seals, to the nearest known relative or friend of such lunatic, for payment of the Asylum dues, and funeral expenses, or either, incurred by or on account of such lunatic as aforesaid; and in case the same be not paid within one month after service of such order, it shall be lawful for the same, or any other Justices, by an order under their hands and seals, to direct any Collector of Petty Debts, or other person, to seize so much of the money, and to seize and sell so much of the goods and chattels, and take and receive so much of the rents and profits of the lands and tenements, of such lunatic, and of any other income of such lunatic, as may be necessary to pay the said dues and expenses, or either, as aforesaid, accounting for the same to the same or any other Justices, such dues and expenses, or either, having been first proved to the satisfaction of such Justices by the certificate of the Inspector and Director or otherwise, as they may require, and the amount set forth in such order; and if any Trustee or other person, having the possession, custody, or charge of any property of such lunatic, or if any company or body, or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay the whole or any part thereof to defray the amount set forth in such order, the receipt of the collector or person thereby directed to receive the same, shall be a good discharge to such Trustee, company, body, or person paying the same.

XXIV. ALL monies to be received under the provisions of this Act for the benefit of the Institution shall be from time to time paid over to the Receiver General to the credit thereof, and shall be held by him applicable to the expenses of the Institution, and payable under warrants from the Governor.

Moneys received under Act.

XXV. If any Superintendent, Officer, Nurse, Attendant, Servant, or other person employed in the Asylum, shall

Offences.

strike, wound, ill-treat, or wilfully neglect any lunatic confined therein, he shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, on a summary conviction thereof before two Justices, any sum not exceeding twenty pounds, nor less than two pounds.*

How medical certificates shall be drawn up.

XXVI. THE medical certificates mentioned in this Act shall be drawn up according to the Form in Schedule B to this Act annexed.

Board of Visitors may administer oath in certain cases.

XXVII. THAT it shall be lawful for the Board of Visitors to administer an oath to any officer or inmate of the Lunatic Asylum whenever they may think fit to institute inquiry on oath or affirmation into any matter or complaint brought before them; and any person wilfully giving false evidence on oath or affirmation under this Act before said Board of Visitors shall be deemed guilty of perjury; and any person procuring or instigating false evidence shall be deemed guilty of subornation of perjury, and shall be subject to be indicted and tried; and upon conviction, shall suffer such punishment as is by law prescribed for perjury, or subornation of perjury.

Short title.

XXVIII. THIS Act may for all purposes be cited as the "NEW LUNATIC ASYLUM ACT, 1861."

Commencement of Act.

XXIX. THIS Act shall come into operation as soon as the new Lunatic Asylum shall have been declared by the Governor to be open for the reception of females of unsound mind, and notification made thereof by advertisement in the Jamaica Gazette by Authority, or any other newspaper in which the same shall be published by order of the Governor.

SCHEDULE A.

I hereby give you notice, That
private [or pauper] patient admitted into this Asylum on

* Something omitted in this Section.

the day of died therein in the presence
of on the day of .

[Signature]

Clerk of the Asylum.

Dated day of 186 .

I certify, that the apparent cause of death of the said
as ascertained by *post mortem*
examination [if so] was .

[Signature]

Medical Superintendent of the Asylum.

SCHEDULE B.

FORM OF MEDICAL CERTIFICATE.

I, the undersigned [*here state the qualification*], and
being in actual practice as a Medical Practitioner, hereby
certify that I, on the day of at
in the Parish [*or town*] of [in any case where
more than one medical certificate is required by this Act,
here insert, "separately from any other Medical Practi-
tioner;" and, if necessary, "on two separate occasions,"]
personally examined A. B. of [*insert*
residence and profession, or occupation, if any] and that the
said A. B. is a lunatic, [*or an idiot, or a person of unsound*
mind], and a proper person to be taken charge of and
detained under care and treatment, and that I have
formed this opinion upon the following grounds:—

1. Facts indicating insanity observed by myself [*here*
state the facts.]

2. Other facts [*if any*] indicating insanity communi-
cated to me by others [*here state the information, and*
from whom].

Signed

place of abode.

Dated this day of one thousand
eight hundred and .

CHAPTER X.

AN ACT to repeal Third Victoria, chapter thirteen and Seventh Victoria, chapter forty-one, relating to the Cruel and Improper Treatment of Animals, or unlawfully using Beasts at Pasture, and to make provisions in lieu thereof.

WHEREAS it is expedient for the better protection of property that an Act, passed in the third year of the reign of her present Majesty, chapter thirteen, and an Act passed in the seventh year of her present Majesty, chapter forty-one, should be repealed : Be it therefore enacted by the Governor, Legislative Council, and Assembly of this her Majesty's Island, and it is hereby enacted by the authority of the same, that the said Acts be and stand repealed.

Penalty for ill-treating animals.

I. If any person shall wantonly and cruelly beat, ill-treat, abuse, or torture any horse, mare, filly, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog, or any other cattle, or domestic animal, whether such person be the owner or not, every such offender, being convicted before a Justice of the Peace, shall for every such offence, forfeit and pay such sum of money, not exceeding sixty shillings, nor less than five shillings, with costs, as to such Justice shall seem meet, or such Justice shall and may commit such offender to prison not exceeding sixty days, with or without hard labour, in his discretion, without prejudice to any other remedy and punishment to which he may be aggrieved by or in consequence of such cruel treatment may have, or be entitled to resort to, against any such offender.

Offender may be apprehended on view or information and taken before a Justice.

II. AND for more easy and effectual apprehension of all offenders against this Act, Be it enacted further, that it shall be lawful to, and for any Constable or Peace Officer, or for the owner of any such cattle or animal, or his agent, upon view of any such cruelty as aforesaid, or upon the information of any other person (who shall declare his or her name and place of abode to the said Constable or other Peace Officer), to seize

and secure, by the authority of this Act, and forthwith, and without any other authority or warrant, to convey any such offender before any Justice of the Peace within whose jurisdiction the offence shall have been committed to be dealt with according to law ; and such Justice shall forthwith proceed to examine upon oath, any such witness or witnesses, who shall appear to be produced to give information touching such offence.

III. If any person shall keep or use any house, room, pit, ground, or other place for the purpose of cockfighting, or preparing cocks or other animals for fighting, every such person shall be liable to a penalty not exceeding five pounds, nor less than ten shillings, with costs, for every day in which he shall so keep and use such house, room, pit, ground, or place for the purpose aforesaid ; and which penalty shall be recovered in a summary manner before any Justice of the Peace : Provided always, that the person who shall act as the manager of any such house, room, pit, ground, or other place, or who shall receive any money for the admission of any person thereto, or who shall assist in any such fighting, or preparation for fighting, shall be deemed and taken to be the keeper of the same for the purposes of this Act, and be liable to all such penalties as are by this Act imposed upon the person who shall actually keep any such house, room, pit, ground, or other place for the purposes aforesaid.

Penalty for keeping house, &c., for purpose of cockfighting.

IV. If any person or persons by himself, herself, or themselves, or agent, shall catch, take, or drive any horse or other animal from any property or place, without the consent or permission of the owner, or of the party in possession, every such person and agent shall, on conviction before any two Justices of the Peace, forfeit and pay a sum not exceeding ten pounds ; and, in default of immediate payment, be and stand committed to the nearest prison to hard labour for a period not exceeding ninety days, at the discretion of such Justices,

Taking animal from any place without consent of owner.

besides being liable to an action at the suit of the party injured or aggrieved ; wherein* the person acting as agent to be competent to give evidence, if the Justices shall consider, from the information laid, that such person acted under the delusion of employer's authority to take and use the animal caught, taken, or driven away without the consent or permission of the owner or party in possession thereof.

**Appropriation
of penalties.**

V. IN all cases where the Justice shall impose pecuniary penalty under this Act, one moiety thereof shall be paid for the use of the public, and the other moiety to the person who shall inform and prosecute for the same ; and such informer shall be a competent witness notwithstanding he may be entitled to such part or proportion of such pecuniary penalty on the conviction of the offender, if the same shall be inflicted and laid.

CHAPTER XI.

AN ACT to amend the Twenty-sixth Section of the Seventh Victoria, chapter fourteen, entitled "An Act to make provision for the maintenance of good order in Towns and Communities."

WHEREAS the twenty-sixth section of the fourteenth chapter of the Seventh Victoria limits the punishment of the offender, in the event of non-payment of a pecuniary penalty not exceeding forty shillings, to ten days' imprisonment : And whereas such imprisonment is not deemed sufficient as in comparison with the amount authorised to be imposed by the said Act : Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, that the Justices shall be empowered, from and after the passing of this Act, to extend the punishment of imprisonment in

**Extension of
imprison-
ment for
non-pay-
ment of fine.**

* "whereby" in Original,

every case in which the sentence shall be hard labor, in the event of non-payment of the pecuniary penalty not exceeding forty shillings, to a term not exceeding thirty days, instead of ten days.

CHAPTER XVI.

AN ACT to provide for repairing Parochial Churches, Chapels, Rectories, School Houses, and other Parochial Buildings.*

CHAPTER XIX.

AN ACT to provide for the future introduction into this Colony of Liberated Africans.†

CHAPTER XX.

AN ACT for promoting Immigrant Settlements in the Colony by Joint Stock Companies.‡

CHAPTER XXII.

AN ACT to amend and in aid of the Eighteenth Victoria, chapter fifty-three, for carrying out the objects of the charitable devises and bequests of Robert Hugh Munro and Caleb Dickenson.

WHEREAS the establishment of an Alms House under the Act of the Eighteenth Victoria, chapter fifty-three, for carrying out the object of the charitable devises and be-

* Omitted, as having had its effect.

† Omitted, as for practical purposes obsolete.

‡ Repealed by Sec. 2 of Law 23 of 1879.

quests of Robert Hugh Munro and Caleb Dickenson has been found not to confer the benefits contemplated therein, and it is expedient to provide for the effectual application of the bounty of the testators on behalf of the poor or necessitous for whom the Alms Houses by the recited Act directed to be established were intended: And whereas it is also expedient that the after-mentioned fund should be provided for the repairs and upholding of the said School and other buildings of the said Charity: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Funds for maintenance of alms house may be applied towards support of poor persons.

I. THE Governors and Trustees of Munro and Dickenson's Charity shall be and are hereby empowered to appropriate the funds by the recited Act made applicable for the establishment and maintenance of an Alms House or Alms Houses in and towards the support otherwise of such poor persons who would under the provisions of the recited Act have been, or may hereafter become, qualified for admission into such Alms House, in lieu of maintaining such Alms House or Alms Houses.

Fund for repair of school houses.

II. THE Governors and Trustees of the said Charity shall be and are hereby empowered to invest at interest in the public securities of this Island, or of Great Britain, the sum of six hundred and forty-six pounds seventeen shillings and five pence, standing in the books of the Receiver General, or such sum as may be adjusted as the balance due to the credit of the Building Fund Account of the Governors and Trustees of the said Charity; and to employ the interest to accrue on such invested fund in and towards the repairs of the School-houses and other buildings belonging to the said Trust; and to re-invest or accumulate at interest in like securities, and for like purposes, the interest or dividends of the said sum, or any portion thereof, from time to time: Provided, that nothing shall extend to grant power to the said Governors

and Trustees to use for such repairs any part of the capital sum of six hundred and forty-six pounds seventeen shillings and five pence, or such other sum as shall be adjusted due as the balance of the said Building Fund Account.

III. ALL such respective monies shall be applied by the said Governors and Trustees as well for the relief of poor persons as for the repairs of the said School buildings respectively, according and subject to the bye-laws, orders, rules, and regulations already or hereafter to be made, pursuant to the recited Act, in and about the affairs of and concerning the said Schools, and for appointing the poor and necessitous persons who shall be admitted to the relief by this Act intended to be provided for such persons, and for ordering the means and system of administering such relief, and otherwise for the general management and direction of the said Charity ; and accounts of such respective monies, and the appropriation thereof respectively, shall be kept, stated, and audited, and reports shall be made of the said poor, and of the manner and relief of the same, and of the said School houses, as often as and to the effect and in the particulars prescribed by the recited Act, so far as the same shall be applicable in respect of the said Charity ; and otherwise in all respects the recited Act, except in so far as it is by this Act altered or amended, shall be followed as governing and directing the proceedings and transactions of the Governors and Trustees in the respects and matters by this Act directed or established.

Application
of moneys to
be in accor-
dance with
bye-laws.

IV. THIS Act shall be read as incorporated with and as part of the recited Act, as the same is by this Act amended.

This Act to
be read with
18 Vic. cap.
53.

CHAPTER XXIII.

AN Act to enable the Governor of this Island to prohibit the exportation therefrom of certain articles readily convertible into Gunpowder and Ammunition of War.*

* Repealed by Sec. 5 of Law 3 of 1882.

CHAPTER XXV.

AN ACT to make provision towards the establishment of a Resident Magistrate in and for the Cayman Islands.

WHEREAS it is expedient that provision should be made towards the establishment of a Resident Magistrate in and for the Cayman Islands: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

How Magistrate
to be paid.

I. FROM and after the appointment of such Resident Magistrate it shall be lawful for the Governor of this Island, by his warrant, from time to time to direct payment to the Resident Magistrate in and for the said Cayman Islands for the time being, of the amount of dues to be by law from time to time collected on droghers of, or belonging to, the said Cayman Islands, or person resident therein.

CHAPTER XXVI.

AN ACT for the amendment of an Act passed in the third year of the reign of her Majesty Queen Victoria, intituled “An Act for the Amendment of the Laws with respect to Wills.”

WHEREAS the Laws with respect to the execution of Wills require further amendment: Be it therefore enacted by the Governor, Legislative Council, and Assembly, and it is hereby enacted by the authority of the same, as follows:—

Signature of
Wills.

I. WHERE by an Act passed in the third year of the reign of her Majesty Queen Victoria, intituled “An Act for the amendment of the Laws with respect to Wills,” it is enacted, that no will shall be valid unless it shall be signed at the foot

or end thereof by the Testator, or by some other person in his presence, and by his direction, every Will shall, so far only as regards the position of the signature of the Testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactment, as explained by this Act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the Will, that it shall be apparent, on the face of the Will, that the Testator intended to give effect by such his signature to the writing signed as his Will; and that no such Will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the Will; or by the circumstance that a blank space shall intervene between the concluding word of the Will and the signature; or by the circumstance that the signature shall be placed among the words of the testimonium clause, or of the clause of attestation, or shall follow, or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow, or be after or under or beside the names, or one of the names, of the subscribing witnesses; or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the Will whereupon no clause or paragraph, or disposing part of the Will shall be written above the signature; or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the Will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment; but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

II. THE provisions of this Act shall extend and be applied to every Will already made, where administration or probate

Application of
Act.

has not already been granted or ordered by a Court of competent jurisdiction in consequence of the defective execution of such Will, or where the property, not being within the jurisdiction of the Court of Ordinary of this Island has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such Will, or the right thereto shall not have been decided to be in some other person or persons than the persons claiming under the Will by a Court of competent jurisdiction, in consequence of the defective execution of such Will.

Interpretation. III. THE word "Will" shall, in the construction of this Act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said Act of the third year of the reign of her Majesty Queen Victoria.

Short Title. IV. THIS Act may be cited as "THE WILLS ACT AMENDMENT ACT, 1861."

CHAPTER XXX.

AN Act to protect Property from the careless use of Fire

**Punishment
for negligent
use of fire.**

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, that any person who shall, by the negligent use or management of fire in any place whatsoever, endanger any buildings, lands, cultivated plants, fences, or other property, or who shall use or carry any lighted pipe, cigar, fire-stick, torch, or flambeau, whereby injury may or shall result to any buildings, lands, cultivated plants, fences, or other property, shall, on conviction thereof before any two or more Justices of the Peace of the parish or precinct where any such offence shall be committed, at the discretion of the

said Justices, forfeit and pay a fine not exceeding ten pounds, together with costs, or be committed to the common gaol, or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding ninety days.

CHAPTER XXXI.

AN ACT to extend the powers of the Governor in the removal of Prisoners from one prison to another under the provisions of the Prisons Consolidation Act, 1856.

BE it enacted by the Governor, Legislative Council, and Assembly, and by the authority of the same, that from and after the passing of this Act the power of the Governor to remove prisoners from one prison to another in this Island, under the provisions of the sixth clause of the sixteenth section of Twentieth Victoria, chapter eleven, The Prisons Consolidation Act, 1856, shall extend to the removal of any prisoner committed for trial for felony, subject to the terms of the warrant of his original commitment: Provided, that no such prisoner shall be removed to any other than a county gaol.

Power to remove certain prisoners from prison to prison.

CHAPTER XXXIV.

AN ACT to restore the rate of Interest originally allowed on the Rectors' and Island Curates' Funds.

WHEREAS it is expedient to restore the rate of interest originally allowed by the Acts of the Ninth Victoria, chapter thirty-nine, and Eighth Victoria, chapter thirty-eight, on the Rectors' and Island Curates' Funds in the Public Treasury of this Island: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Six per cent. per annum to be allowed on Funds.

I. THE Receiver General shall pay and allow to the Trustees of the respective Funds interest at and after the rate of six *per cent. per annum*, to commence on and from the first day of January, one thousand eight hundred and sixty-two, on the principal sums at the credit of the respective Trustees on the said first day of January, one thousand eight hundred and sixty-two, and shall also pay and allow the like rate of interest on all further capital and reserved appropriable Fund, or unappropriated Fund, respectively invested subsequently to the said first day of January, one thousand eight hundred and sixty-two, and thereafter to be invested to the credit of the said Rectors' and Island Curates' Funds respectively, any thing in the Act of the Eighteenth Victoria, chapters nineteen and twenty, or any other Act to the contrary notwithstanding.

Interest not appropriated to be added to capital.

II. SUCH part of the interest by this Act made payable on the respective Funds as shall be unappropriated during any year shall, at the end of such year, be added to the capital thereof respectively, and bear interest at the rate allowed by this Act.

No interest to be paid under former Acts.

III. No interest shall be paid or allowed on either of such Funds, or any part thereof respectively, as on or from or after the first day of January, one thousand eight hundred and sixty-two, under the recited Acts of the Eighth Victoria, chapter thirty-eight, and Ninth Victoria, chapter thirty-nine, and Eighteenth Victoria, chapters nineteen and twenty, or either of them.

CHAPTER XXXV.

AN Act to amend the Law relating to Immigration, and in respect to contracts made in China by Chinese Immigrants.*

* Repealed except Section 6 and 7 by Section 2 of Law 23 of 1879. But these Sections were omitted in the last revision so need not be printed now.

CHAPTER XLIV.

AN Act to amend and in aid of the Act of the Twenty-second Victoria, chapter ten, for the formation of Tram-roads.*

 ACTS OF 26 VICTORIA, SESSION I.

CHAPTER II.

AN Act for vesting all estates and property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being.

WHEREAS divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom of Great Britain and Ireland, and conveyed to several different persons, in trust for her Majesty, and her Royal Predecessors, and her and their heirs and successors; and the same has been placed under the charge of the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being; and it is expedient that the same, and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Commissioners for executing the office of Lord High Admiral for the time being: Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, as follows:—

I. FROM and after the passing of this Act all messuages, lands, tenements and hereditaments, erections, buildings and property whatever, which have been conveyed to or vested in

Lands, etc.,
held for use of
navy vested in
Lords of Admi-
rality.

* Omitted as for all practical purposes obsolete.

any person or persons, and are held, or in any manner occupied by or in the name of any person or persons in trust for her Majesty, or her Royal Predecessors, and her or their heirs or successors, for the use of the Naval Service of the said United Kingdom, or of any of the departments of or belonging to the said Naval Service, by whatever mode or conveyance, or by whatever title, or for whatever estate or interest therein the same shall have been conveyed or be vested, held, or occupied, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the Commissioners for executing the office of Lord High Admiral for the time being, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively, in trust for her Majesty, her heirs and successors, for the public service.

Lands, etc.,
hereafter
acquired.

II. FROM and after the purchase and conveyance, grant, or demise thereof, all other messuages, lands, tenements and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied by the Commissioners for executing the office of Lord High Admiral for the time being, or by any person or persons by his or their order, for the Naval Service of the said United Kingdom, or of any of the departments of or belonging to the said Naval Service and all erections and buildings which shall then or may be thereafter erected or built thereon, with the rights, members, easements and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continued vested in the Commissioners for executing the office of Lord High Admiral for the time being, and their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

III. UPON the death, resignation, or removal of the present Commissioners for executing the office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements and hereditaments respectively shall become vested in and be held by the succeeding Commissioners for executing the office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates, and interests of and in the same respectively, in trust as aforesaid.

Provisions for succession.

IV. IN all deeds, conveyances, leases, contracts and other instruments touching any estate, property, matter or thing relating to the Naval Service of the said United Kingdom, or to any department under the control of the Commissioners for executing the office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names; and all such deeds, conveyances, leases, contracts and other instruments wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual, to all intents and purposes, as if they or any of them had been expressly named therein and had executed or signed the same.

How Lords may be described.

V. It shall and may be lawful for the Commissioners for executing the office of Lord High Admiral for the time being, or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements, and heredita-

Power to sell, lease, &c.

ments respectively which shall be vested in them under or by virtue of this Act, with their respective appurtenances, either by public auction or private contract, and in due form of law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively; and also to do any other Act, matter, or thing in relation to any such messuages, lands, tenements and hereditaments which they or he shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might have been done by any person or persons having a like interest in any such messuages, lands, tenements or hereditaments.

Power to sue
and be sued,
&c.

VI. It shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute and maintain any action, suit, or other proceeding at law or in equity, for recovering possession of any messuages, lands, tenements or hereditaments by this Act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners, or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of her Majesty; and also to bring, prosecute or maintain, or to defend any other action or suit in respect thereof, or in relation to the said messuages, lands, tenements, hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland," without naming them; and no such action or suit shall abate by the death, resignation, or removal of such Commissioners, or any of them, or of such Lord High Admiral, any law, custom, or

usage to the contrary notwithstanding; and the said Commissioners or Lord High Admiral, shall be entitled to recover costs for and on behalf of her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be given against the Crown, in any such action suit, or other proceeding, in like manner, and subject to the same rules and provisions, as though such action, suit, or other proceeding had been had between subject and subject.

ACTS OF 26 VICTORIA, SESSION 2.

CHAPTER I.

AN ACT for the settlement of the Loan due from this Island to the Imperial Government, under the Imperial Statute Second and Third William the Fourth, chapter one hundred and twenty-five, and Island Act Fourth William the Fourth, chapter two.

WHEREAS on the fifth day of February, one thousand eight hundred and sixty-two there was due from the public of this Island on account of the loan of two hundred thousand pounds advanced out of the Imperial Exchequer under the Imperial Statute second and third of King William the Fourth, chapter one hundred and twenty-five, and the Act of the Legislature of this Island, fourth of King William the Fourth, chapter two, the sum of two hundred and forty-nine thousand five hundred and eighty-two pounds and two-pence : And whereas the Imperial Parliament, as manifested by the Act of Parliament, twenty-fifth and twenty-sixth of her Majesty Queen Victoria, chapter fifty-five, is willing that the debt so due shall be commuted for a perpetual annuity of six thousand four hundred pounds, payable annually out of the revenues of this Island, and to be applied in manner in the last aforesaid Act of Parliament and hereinafter mentioned : Be

it therefore, and it is enacted by the Governor, Legislative Council, and Assembly of this Island, as follows :—

Annuity
charged on
revenue in
Schedule.

I. THE sum of six thousand four hundred pounds shall be charged by way of perpetual annuity on the duties and sources of revenue mentioned in the Schedule annexed hereto.

Subject to prior
charges.

II. THE charge so created shall be postponed to the sum of thirty thousand pounds appropriated to the payment of the principal and interest of the public debt of five hundred thousand pounds, and to the sum of twenty-five thousand pounds appropriated to defraying the expenses of the services and purposes comprised in Schedule A and B, appended to the Act of the Legislature of this Island, seventeenth of her Majesty Queen Victoria, chapter twenty-nine, but shall have priority over all other charges.

Commence-
ment and times
of payment.

III. THE said annuity of six thousand four hundred pounds shall be deemed to become due on the thirtieth day of June, and the thirty-first day of December in every year, and shall be paid to such persons, and at such time or times, after accruing due, as the Governor may, by warrant under his hand, from time to time direct, and the first of such payments shall be made on the thirtieth day of June, one thousand eight hundred and sixty-three.

Appropriation.

IV. THE said annuity of six thousand four hundred pounds shall be applied in payment of such expenses of the Government of this Island, and of objects connected therewith, and of local improvements here, as the Governor may, from time to time direct, in pursuance of such instructions as may from time to time be issued by one of her Majesty's Principal Secretaries of State.

Annual account.

V. AN account, in detail, of the expenditure of the said yearly sum of six thousand four hundred pounds shall be laid before the Assembly within the first two weeks of each meeting thereof.

SCHEDULE.

ALL DUTIES OR SUMS OF MONEY AUTHORIZED TO BE COLLECTED UNDER ANY OF THE FOLLOWING ACTS ; THAT IS TO SAY,

Under an Act of the Legislature of this Island, passed in the seventeenth year of the reign of her present Majesty chapter twenty-nine, and intituled "An Act for the better government of this Island, and for raising a revenue in support thereof."

Under the thirty-eighth section of an Act of the Legislature of the said Island passed in the twenty-first year of the reign of her present Majesty, chapter thirty-four, and intituled "An Act to provide funds for the improvement and repair of the main roads and bridges to be transferred to the management of Main Road Commissioners, to appropriate the land and quit rent taxes, and declare the same redeemable for that purpose."

All duties larger or equal in amount to the duties under the first mentioned Act which may be collected or raised under any other Act of the said Legislature.

CHAPTER II.

AN Act to vest in her Majesty the Forts and Defences in and near Port Royal, and to provide for the maintenance thereof out of the Fund reserved under the Act of the Seventeenth Victoria, chapter twenty-nine, towards the repairs of the Forts and Fortifications of Fort Charles.

WHEREAS under the provisions of an Act of the Legislature of this Island passed in the seventeenth year of the reign of her Majesty the Queen, entitled "An Act for the better government of this Island, and for raising a revenue in support thereof," there is and stands an annual sum of seven hundred and fifty pounds appropriated to the pay of the

Officers of Fort Charles, and towards the repairs of the forts and fortifications of Fort Charles : And whereas her Majesty the Queen has signified and made known, through her Principal Secretary of State for the Colonies, her readiness to maintain the works specified in the Schedule unto this Act annexed in such a state as her Department for War may deem necessary for the public defence, upon the condition that the sum of six hundred pounds by the year should be payable and paid out of the revenue charged with the annual payment of seven hundred and fifty pounds aforesaid to the Principal Commissariat Officer in this Island, to the credit of the War Department, and also upon condition that the lands, forts, works, and buildings specified in the Schedule should be conveyed and secured to her Majesty's Principal Secretary of State for War for the time being : And whereas it is expedient, for the safety of this Island, that the forts and fortifications, and the works of defence accessory thereto, at and in the neighbourhood of Port Royal, should be placed under the direction and management of skilled Officers of her Majesty's army : Therefore, and in faith of and in accordance with the terms and conditions, and for the purpose aforesaid, Be it, and it hereby is enacted and declared by the Governor, Legislative Council, and Assembly of this Island, that the lands, tenements, and hereditaments, erections, and buildings named, specified, and indicated in the Schedule hereunto annexed shall be henceforth hereafter, and now are declared to be, vested in her Majesty's Principal Secretary of State for the War Department.

Lands in Schedule vested in Secretary at War.

£600 per annum to be paid to Commissariat.

II. Out of the sum of seven hundred and fifty pounds, appropriated as aforesaid there shall henceforth be paid to the Principal Commissariat Officer as aforesaid, and at such times as the Governor may by warrant under his hand from time to time direct, the sum of six hundred pounds per annum.

SCHEDULE

OF WORKS OF DEFENCE AND BUILDINGS VESTED IN HER MAJESTY.

Stations and Works of Defence.	Magazines, and other Buildings.
<p style="text-align: center;">PORT-ROYAL.</p> <p>Hanover lines, and battery. King's lines. Upper Queen's lines. Lower ditto. Prince Frederick's lines. Prince of Wales' lines. Prince Edward's lines. Redan. Polygon battery.</p>	<p style="text-align: center;">PORT-ROYAL.</p> <p>Large magazine in Fort Charles New magazine. Lieutenant Governor's quarters, and outbuildings. Storehouse, Sergeant Major's quarters. The several Officers' quarters, mess house. Fort Lieutenant's quarters, with their several out-buildings. Billiard room. Laboratory, gun-carriage, shed kitchen, forge, and stable. The wharf. Water tank, and wooden aqueduct. The boat-house. Carpenter's shop. Canteen. Enclosure, walls, and fences.</p>
<p style="text-align: center;">APOSTLES' BATTERY</p> <p>The Battery (mounting six guns).</p>	<p style="text-align: center;">APOSTLES' BATTERY.</p> <p>Magazine. Laboratory. Large rain water tanks. Small tank at south landing.</p>

<p>FORT AUGUSTA.</p> <p>Batteries, flag-staff, and shot furnace.</p>	<p>FORT AUGUSTA.</p> <p>Magazine.</p> <p>Laboratory.</p> <p>Shifting room.</p> <p>Fort Major's quarters, and out-buildings.</p> <p>Rain water tanks at west end of fort.</p> <p>Rain water tank adjoining the magazine.</p> <p>Water tank at east entrance.</p> <p>Wharf and shed.</p> <p>Bath house (in ruins).</p>
<p>FORT CLARENCE.</p> <p>The battery.</p>	<p>FORT CLARENCE.</p> <p>The magazine (in ruins).</p> <p>Barracks (in ruins).</p>
<p>ROCK FORT.</p> <p>The battery.</p>	<p>ROCK FORT.</p> <p>The magazine.</p> <p>The barracks (in ruins).</p> <p>Non-commissioned Officers' quarters (in ruins).</p> <p>Cooking house (in ruins).</p> <p>Officers' quarters.</p>
<p>FORT NUGENT.</p> <p>The fort, and Martello tower.</p>	<p>FORT NUGENT.</p> <p>Officers' quarters (in ruins).</p> <p>Barracks (in ruins).</p>

CHAPTER III.

AN ACT to relieve persons from taking certain Oaths more than once during the reign of the same Sovereign.

WHEREAS it is necessary to relieve persons holding offices of honor and emolument in this Island from taking and subscribing certain Oaths more than once during the reign of the same Sovereign: Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

No person who, at the time of the passing of this Act, is required to take and subscribe the Oaths of Allegiance, Supremacy, and Abjuration upon his election or appointment to any Corporate, Public, or Parochial Office in this Island, whether honorary or of emolument, and who shall have at any time before such election or appointment taken and subscribed such Oaths at any time during the reign of her present Majesty Queen Victoria, or the reign of any future Sovereign of Great Britain and Ireland, shall be required or obliged again to take or subscribe such Oaths, or any of them, in consequence of his election, re-election, or appointment to any Corporate, Public, or Parochial Office of honor or emolument during the continuance of such reign; nor shall any such person be liable to any penalty, disability, or forfeiture for not taking or subscribing the said Oaths, or either of them, more than once during the reign of any Sovereign.

Oaths of allegiance, and supremacy.

CHAPTER V.

AN ACT authorizing the raising of a Loan, not exceeding Twelve Thousand Pounds, for Main Road purposes, and to provide a Sinking Fund for the same.*

* Omitted, as having all but had its effect.

CHAPTER VIII.

AN ACT for the abolition of Toll Gates throughout this Island.

WHEREAS it is expedient that all Tolls on Roads should be abolished throughout this Island: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Toll dues
abolished

I. ON, from, and after the first day of October, one thousand eight hundred and sixty-three, no Toll or payment shall be taken or demanded on any Road or Bridge throughout this Island, anything in any Act to the contrary notwithstanding.

* * * * *

CHAPTER IX.

AN ACT in aid, and to amend the Fifteenth Victoria, Chapter seventeen, 'The Plumb-Point Light House Act.'

WHEREAS it is necessary to amend the Act Fifteen Victoria, chapter seventeen, The Plumb Point Light House Act: Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

Commissioners
may take more
land.

I. It shall be lawful for the Commissioners named in the Act of Fifteen Victoria, chapter seventeen, and elected and appointed under the authority of the same, and who may be hereafter elected and appointed, from time to time, and whenever they may think proper, to purchase and take such further quantity of land in the neighbourhood of the Light House erected near Great Plumb Point, as they shall consider necessary for the purposes of such Light House, in the

manner directed, and with the powers and authority conferred by the third section of the said Act Fifteen Victoria, chapter seventeen: Provided, that no increase to the existing rates of Light House Dues shall be imposed at any future period for this or any other purpose.

II. VESSELS arriving at Port Royal for the purpose of landing passengers, or of receiving orders, or calling off the port for the purpose of taking pilots on board, shall not be charged with, nor liable for, light house dues under the said Fifteenth Victoria, chapter seventeen.

Certain vessels not liable to dues.

CHAPTER X.

AN ACT to amend the Fourth Victoria, chapter forty-four,
“Dissenters’ Marriage Act.”*

CHAPTER XV.

AN ACT relating to Costs in Crown Suits.

WHEREAS it is expedient to assimilate the Law as to the recovery of costs in proceedings in respect of matters relating to the Revenue by or on behalf of the Crown to the Laws in force as to proceedings between subject and subject; Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. IN all informations, actions, suits, and other proceedings to be hereafter instituted before any Court or Tribunal whatever in this Island by or on behalf of the Crown against any corporation or person, in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or ac-

Costs may be awarded to Crown.

* Repealed by Section 2 of Law 15 of 1879.

cruing to the Crown, or in respect of any sum or sums of money due and owing to her Majesty, by virtue of any Act of the Imperial Parliament or of the Legislature of this Island, for any public or parochial service, her Majesty's Attorney General shall be entitled to recover costs for and on behalf of her Majesty where judgment shall be given for the Crown, in the same manner, and under the same rules, regulations, and provisions as are or may be in force touching the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid into the hands of the Receiver General of this Island, and be held by him to the credit of the public.

To defendant. II. If, in any such information, action, suit, or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs, in like manner, and subject to the same rules and provisions, as though such proceeding had been had between subject and subject: Provided, that the presiding Judge shall certify on the record that, in his opinion, the case is one in which the defendant is entitled to his costs; and the Executive Committee are hereby required to direct the Receiver General to pay the last-mentioned costs out of any sum of money to be voted by the Legislature for that purpose.

Suits to be under same regulations as ordinary suits. III. THE proceedings in all such suits shall, as far as applicable, be regulated by the rules of pleading and of practice in suits between subject and subject, and the Judges of the Supreme Court may from time to time frame all such further rules as may be necessary for the practice in such cases.

Commencement of Act. IV. THAT this Act shall not come into operation until it shall have received the assent of her Majesty.

CHAPTER XVII.

AN ACT in aid of the Fortieth George Third, chapter twenty-nine, and Forty-ninth George Third, chapter twenty-six, commonly called "The Falmouth Water Company's Acts."

WHEREAS in and by the fifteenth section of the Act Fortieth George the Third, chapter twenty-nine, entitled "An Act to constitute certain persons therein described a Corporation or Body Politic for supplying the Town of Falmouth in the Parish of Trelawny, and the inhabitants thereof, and the shipping in the harbour of the said town, with good and wholesome water," it is declared, that any warrant to issue for the recovery of the rates in the said Act mentioned shall be directed to all or any of the Constables of the Parish of Trelawny, now represented by the Police Force of the said parish: And whereas by a proviso to the twelfth section of the Police Act, Twenty-fourth Victoria, chapter eleven, it is enacted, that it shall not be lawful to employ any Policeman in the levying of rents, rates, or taxes for or on behalf of any person, or Incorporated Company, whereby the Falmouth Water Company is deprived of the means of recovering the rates which, by their Act of Incorporation, they are authorized to impose upon the inhabitants of the Town of Falmouth; and it is therefore expedient to provide other means whereby payment of the said rates may be enforced: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. THAT from and after the passing of this Act it shall be lawful for the Directors of the Falmouth Water Company, from time to time, under the Seal of the said Corporation, at any meeting of the said Board of Directors, to appoint a bailiff or bailiffs for the collection of the water dues, and such bailiff or bailiffs at their discretion to dismiss, and another or others to appoint.

Appointment of
bailiff.

Collection of
dues.

II. THAT all Water Rates now due, or hereafter to become due, shall be collected and received by the bailiff or bailiffs so appointed.

Directors may
sue for unpaid
dues.

III. THAT on the refusal of any person to pay such Water Rates, it shall be lawful for the Directors of the said Corporation to sue for and recover the amount due to the said Corporation for Water Rates, either in the Petty Debt Court, or by action in the Supreme Court, according to the amount of such rates.

What defendant
may plead.

IV. THAT on the hearing of any summons, or at the trial of any action, brought by the said Directors for the recovery of Water Rates, the defendant in such summons or action shall be entitled to set up a defence that the supply of water had not been duly made; and, unless it shall be shewn to the satisfaction of the Justices adjudicating in the Petty Court, or, in case of an action brought as aforesaid, to the satisfaction of the jury before whom the said action is tried, that such non-supply or insufficient supply occurred from causes over which the Corporation had no control, it shall be lawful for the Justices or jury to reduce or negative the claim, as to them shall seem just and reasonable.

Disqualification
to adjudicate.

V. THAT no Justice of the Peace, being a Shareholder, shall sit and adjudicate in any case brought by the said Corporation for the recovery of Water Rates.

Repeal.

VI. THAT any provision or provisions of the said recited Act inconsistent with or repugnant to this Act shall be, and the same is and are hereby repealed.

Public Act.

VII. THAT this Act shall be deemed and taken to be a Public Act, and shall be so received and considered in all Courts and places in this Island, without being specially pleaded, and shall be read and taken as part of, and incorporated with the said recited Acts.

CHAPTER XVIII.

AN ACT to amend the Prisons Consolidation Act, 1856, (Twentieth Victoria, chapter eleven), and to make further provision in respect to the employment of Female Prisoners.*

CHAPTER XIX.

AN ACT to authorize the use of Traction Engines on public roads, highways, and thoroughfares of this Island.

WHEREAS it is necessary to encourage the use of the Traction Engine in this Island, to render the easy and cheap transit of produce and other articles, and otherwise develop the products of this Island: Be it enacted by the Lieutenant-Governor, Legislative Council, and Assembly of this Island, and by the authority of the same:—

I. THAT it shall be lawful for any person, or for any company, to use a Traction Engine upon, along, over, and across any public road, highway, or thoroughfare of this Island. Lawful to use engine.

II. THAT it shall be lawful for the Main Road Commissioners to make such rules and regulations as they may deem necessary with regard to running of Traction Engines upon any road, and also for the protection of property adjacent to, and of passengers, and of the general traffic on such roads; and, for the infraction of any or either of such rules and regulations, the owner or owners of such Traction Engine or Engines shall be liable to a penalty, not exceeding fifty pounds, nor less than forty shillings, to be recovered in a summary manner before any two Justices of the Peace of the parish in which the offence shall be committed, under the provisions of the Thirteenth Victoria, chapter thirty-five, and any Act or Acts amending the same. Regulation.

* Repealed by Sec. 97 of Law 18 of 1882.

Duty on Engine.

III. THAT no duty shall be charged or paid upon any Traction Engine imported into this Island within five years after the passing of this Act.

CHAPTER XX.

AN ACT in aid of the Acts, Twenty-fifth Victoria, chapters sixteen and seventeen, and to make further provision for erecting and repairing Public and Parochial Buildings.*

* * * * *

ACTS OF 27 VICTORIA, SESSION 1.

CHAPTER II.

AN ACT to permit Rum to be used without payment of Duty in certain cases.†

CHAPTER XI.

AN ACT to Repeal the Twenty-fourth Victoria, chapter seventeen, and to declare the Ports of Black River and Annotto Bay Warehousing Ports.

WHEREAS it is necessary to repeal the Act of the Twenty-fourth Victoria, chapter seventeen, which declares the port of Black River to be a warehousing port, and to re-enact the same with amendments; and also to declare the port of Annotto Bay a warehousing port: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

* Omitted as having all but had its effect.

† Repealed by Sec. 1 of Law 10 of 1878.

I. THE ports of Black River and Annotto Bay shall be, and are hereby declared to be warehousing ports, for the warehousing of goods imported into this Island, in the manner directed by, and subject to the conditions and provisions contained in, the Act of the Seventeenth Victoria, chapter two, intituled "An Act for the warehousing of goods imported into this Island, and for the prevention of smuggling."

Black River
and Annotto
Bay to be ware-
housing ports.

II. THE several provisions and enactments of the last recited Act shall apply and extend to the warehouses from time to time established under this Act at the ports of Black River and Annotto Bay, and to all proceedings in connection therewith, or in relation thereto.

Provisions of
17 Vic. cap. 2.

III. THE present holder of the office shall continue to be Warehouse-keeper under this Act at the port of Black River, at a salary not exceeding thirty-five pounds per annum, in addition to his salary as Locker and Gauger under the Rum Warehousing Act; and on any vacancy, the person appointed such Locker and Gauger shall discharge the duties of Warehouse-keeper at a like salary at such port.

Warehouse-
keeper at Black
River.

IV. THE person appointed to the office of the Locker and Gauger under any Act for warehousing rum for the time being, shall discharge the duties of Warehouse-keeper under this Act at the port of Annotto Bay, at a salary not exceeding ten pounds per annum, in addition to his salary as Locker and Gauger.

Rum Locker
and Gauger
at Annotto
Bay.

V. IN all respects relating to the duties of Warehouse-keepers under this Act, the persons designated or appointed to discharge the same shall be subject to the several provisions of the law, and rules and regulations now or hereafter to be in force for the discipline, conduct and management of the Customs Department in this Island, and the several officers thereof, as fully and effectually, to all intents and purposes, as any

Duties of above
officers.

person appointed to any office in the service of the Customs Establishment of this Island is subject to.

VI. [Repealing Clause.]

CHAPTER XIII.

AN ACT to enable Justices of the Peace to exercise the same jurisdiction in Offences for the Receipt of Goods knowing them to have been Stolen, and for Embezzlement, as they now have in cases of Larceny.

WHEREAS it is desirable to assimilate the jurisdiction of Justices of the Peace in certain offences relating to larceny: Be it enacted by the Lieutenant-Governor, Legislative Council, and Assembly of this Island :—

Enlargement
of jurisdiction.

I. THAT the Justices of the Peace of this Island shall have the same jurisdiction in respect of offences of receiving goods and chattels, knowing them to have been stolen, and of embezzlement of goods and chattels, as they now by law have in cases in larceny of goods and chattels, under the provisions of the Twentieth Victoria, chapter three, entitled “An Act for the summary disposal of larcenies, and to diminish delay in the administration of criminal justice in certain cases and for other purposes.”

20 Vic. c. 3.

II. THAT the provisions of the Twentieth Victoria, chapter three, entitled “An Act for the summary disposal of larcenies, and to diminish delay in the administration of criminal justice in certain cases, and for other purposes” shall be applicable to this Act.

CHAPTER XV.

AN ACT to amend the Twenty-first Victoria, chapter twenty-two, The Appeal Regulation Act, 1857.

WHEREAS it is necessary to amend the Twenty-first Victoria, chapter twenty-two, The Appeal Regulation Act, 1857: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. WHEN notice of appeal is given, it shall not be necessary for the appellant to serve any grounds of appeal with respect to objects apparent on the face of the proceedings, or of the evidence; and the provisions of the Twenty-first Victoria, chapter twenty-two, The Appeal Regulation Act, 1857, shall only be obligatory when the grounds of appeal are not so apparent.

Appellant need not serve notice of grounds of appeal in certain cases.

II. THE provisions of the said Act shall be construed liberally in favor of the right of appeal; and in case any of the formalities prescribed by the said Act shall have been inadvertently, or from ignorance or necessity, omitted to be observed, the Appellate Judge, if the justice of the case shall so require, may, upon terms, admit the appellant to impeach the judgment, order, conviction, or proceeding appealed from: Provided such construction shall not operate, or be deemed or taken to affect any informality in any present pending appeal.

Constructions of amended Act.

III. WHEN notice of appeal is given, and the respondent is thereby induced to incur any expense, and the appellant shall not afterwards perfect or prosecute his appeal, the Court shall have power to award costs against such appellant.

Costs where appeal abandoned.

IV. SERVICE of notice of appeal on the Clerk of the Justices shall be sufficient notice to the Justices who have adjudicated.

Service of notice of appeal.

Reference
back to
Justices.

V. THAT the Appellate Judge shall have power to refer the case back to the Justices for further investigation, or further evidence on any point on which he shall deem the evidence defective; and the Justice or Justices who tried the case, or any other two Justices, shall have power, on the application of the appellant or respondent, to summon witnesses, and to take all evidence which may be tendered, and which may bear on the case generally, or on the specific points referred to his or their investigation.

Certified
copies of
proceedings.

VI. NOTWITHSTANDING anything in the eighteenth section of the said Act, Twenty-first Victoria, chapter twenty-two implied to the contrary, the certified copies of proceedings, and evidence required to be furnished for the use of the Judge, shall be charged to, and paid by the party appealing, and shall form part of, and be included in the costs of appeal, if allowed.

Party to
begin.

VII. THE third clause of the twenty-fourth section of the said Act of Twenty-first Victoria, chapter twenty-two, shall be amended, by requiring the party asserting the affirmative of the issue of fact to begin, and the other to reply.

Prohibition
to certain
officers.

VIII. It shall not be lawful for the Clerk of any Court of Appeal, Clerk of the Magistrates, or other Officer whose duty it is to receive or file any of the proceedings in his Court, to practise in such Court of which he is such Clerk or Officer, or to be concerned either directly or indirectly on behalf of any party, appellant or respondent, in initiating, prosecuting to final judgment, or carrying out any appeal, where the right of appeal is given under the said recited Act.

CHAPTER XVII.

AN ACT to consolidate and amend the Laws of this Island relating to the Probate of Deeds executed in and out of this Island.*

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

I. ALL Deeds which shall be executed in Great Britain or Ireland shall be proved on the oath or affirmation of the subscribing witness or witnesses, or be acknowledged by the party or parties before the Mayor, or other Chief Magistrate of any city, borough, or town corporate in Great Britain or Ireland, and certified under the common seal of such city, borough, or town corporate.

Execution of
deeds in
Great Britain
or Ireland.

II. ALL Deeds executed in any of the dominions, territories, colonies, dependencies, or possessions of the Crown of Great Britain and Ireland shall be proved on the oath or affirmation of the subscribing witness or witnesses, or be acknowledged by the party or parties before the Governor, or person exercising the functions of Governor, or before the Commander-in-Chief of any of the said dominions, territories, colonies, dependencies, or possessions, or before a Judge of any Court, or before the Mayor or Chief Magistrate or any city or town, or before any Notary Public, or any other Officer, Civil or Military, holding a Commission under the said Crown, either under the Imperial or Colonial Government, and certified under the hand and public or official seal of such Governor, or person exercising the functions of Governor, Commander-in-Chief, Judge, Mayor, Notary Public, or Officer and, where a seal is not appropriated to his office, under the private seal of such functionary, the certificate in the latter case stating that no official seal exists.

In the Colo-
nies, &c.

* Law 3 of 1886, by its 4th Section, incorporated with this Act.

In Foreign
States.

III. ALL Deeds executed in any Foreign State whatsoever shall be proved on the oath or affirmation of the subscribing witness or witnesses, or be acknowledged by the party or parties before her Majesty's Ambassador, Envoy, Minister, *Chargé D'affaires*, or Secretary of Embassy or Legation, exercising his functions in such State, or before her Majesty's Consul-General, or Consul, or any Vice-Consul, or Acting Consul, or Consular Agent of her Majesty, exercising his functions in such Foreign State, and certified under the hand and seal of such Ambassador or Envoy, Minister, *Chargé D'affaires*, Secretary of Embassy or Legation, Consul-General, or Consul, Vice-Consul, Acting Consul or Consular Agent, used in their said public capacity, or under the hand and private seal of such functionary, if there be no such public seal, the absence of which shall be certified.

Declaration
in lieu of
oath.

IV. WHERE by any Statute or Ordinance having the force and effect of Law in any part of the United Kingdom of Great Britain and Ireland a declaration is or shall be substituted for an oath or affirmation, it shall be sufficient for the subscribing witness or witnesses to any such Deed to prove the execution thereof by such declaration, in lieu and stead of his oath or affirmation.

Deeds exe-
cuted in this
Island.

V. ALL Deeds executed in this Island shall be proved on the oath or affirmation of the subscribing witness or witnesses, or acknowledged by the party or parties before the Governor, or any of the Judges of the Supreme Court, or any Justice of the Peace of this Island; and such probate shall bear the true temporal * * * date thereof.

Examina-
tion of wife
apart from
husband.

VI. IN all cases wherein the right or property of any woman under coverture is intended to be conveyed, released, or extinguished, she shall be examined separate and apart from her husband by the person who takes and attests the probate or acknowledgment; and the said examination shall

Amended by Sec. 1 of Law 6 of 1882 by striking out words.

be certified in like manner as is practised in that part or the United Kingdom called England, or in this Island.

VII. A DEED may be executed in any place, whether subject to the Crown of Great Britain and Ireland or not, and may be proved by the subscribing witness or witnesses, or acknowledged by the party or parties; and the separate examination of any married woman may be taken in this Island, or in any other place where such witness or party may be, according to the provisions of this Act, having reference to the place where such probate or acknowledgment shall be taken; and such deed shall be as effectual as if proved or acknowledged at the place of the execution thereof.

A deed may be executed in any place, whether subject to the Crown or not.

VIII. WHERE more than one witness shall attest the execution of any one party or more, it shall be sufficient to prove the execution of the deed by such party or parties by one of the said subscribing witnesses.

One witness sufficient to prove execution of deed.

IX. ANY deed which, previous to the passing of this Act, may have been proved or acknowledged in manner by this Act required shall be as valid and effectual as if this Act had been then in force.

Deed proved previous to passing of Act.

X. THIS Act shall not render it imperative or necessary to prove or acknowledge any deed which, previous to the passing of this Act, was not required to be proved or acknowledged, nor be construed to alter the existing rules of law or equity as to the effect and operation of any deed which, although requiring to be proved or acknowledged, may not be so proved or acknowledged.

Deed not requiring probate before passing of Act.

XI. THE following Acts, and sections of Acts, or so much thereof as required deeds to be proved or acknowledged in the manner there mentioned, are hereby repealed, without prejudice to the effect or operation of those Acts, or sections of Acts in other respects, or to anything done in pursuance of the provisions contained in them before the passing of this Act:

Repeal.

Thirty-third Charles the Second, chapter twelve, section three ; Second Ann, chapter seven, section fifteen ; Twenty-fourth George the Second, chapter nine ; Thirty-fourth George the Third, chapter eleven, section one ; Forty-second George the Third, chapter twenty-six, sections six and seven ; Nineteenth Victoria, chapter ten, section fifty-seven.

CHAPTER XXII.

AN ACT to Incorporate the Royal Agricultural Society of Jamaica and the Royal Society of Arts.

WHEREAS a Society by royal patronage has been formed for the promotion of the Science, Arts, and Commerce in this Island, under the name and designation of "THE ROYAL SOCIETY OF ARTS:" And whereas in the seventh year of her present Majesty an Act was passed for the incorporation of "The Royal Agricultural Society of Jamaica," and for granting certain powers to the said Society ; and, as it will conduce to render the said Societies more efficient by corporation and united activity in augmenting the sources of public industry : Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island :—

Two Societies incorporated.

I. THAT the powers and privileges granted to "The Royal Agricultural Society" by the said Act of Incorporation shall be equally enjoyed by "The Royal Society of Arts;" and they shall stand united and incorporated by the style and title of "The United Royal Agricultural Society and Society of Arts, Manufactures, and Commerce.

To be two sections of one body corporate.

II. THAT the said two Societies shall be considered two sections of one Body Corporate, acting entirely for common objects of public usefulness in augmenting the sources of public industry, and in extending the Arts and Manufactures of the Colony, but by their separate Councils for the consideration of

the several purposes and objects according to the now existing rules and regulations, or the rules and regulations hereafter to be adopted according to the constitution of the Royal Agricultural Society as by the said Act incorporated and established.

CHAPTER XXIV.

AN ACT authorizing the raising of Loans for Main Road purposes, for completing the erection of the Dry River Bridge, and on account of Parochial Highways and Bridges.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows :—

I. THE Governor, with the advice of the Executive Committee, shall have full power and authority to borrow and raise, ^{Power to raise loan.} either in this Island or in Great Britain, by bond, debenture, or otherwise, such sum not exceeding in the whole the sum of twenty-seven thousand pounds, for the purposes of this Act, to be apportioned to the respective services hereinafter mentioned, as the same shall be required, in like manner as is prescribed, and with the same powers as are given, by the third and fourth sections of "The Main Road Fund Act," one thousand eight hundred and fifty-seven (Twenty-first Victoria, chapter thirty-four), except in respect to the period of redemption, which it is hereby declared shall be, at the furthest, at the end of twenty-five years from the date of such loan, or of the respective bonds or debentures issued for the same, or any part thereof: Provided always, that it being the object of this Act that the sum required to be borrowed shall be obtained by a loan in Great Britain, or in this Island, nothing contained herein shall be construed into empowering the Governor and Executive Committee to borrow any monies bearing interest in

the Receiver General's Office, or any monies whatever that are or may be in the said office belonging to the public, for the purposes of this Act, and placing, as security in lieu thereof, bonds or debentures authorized to be issued thereunder.

**Payment of
interest.**

II. THE Receiver General, from time to time, shall pay the half yearly interest, as the same shall fall due, on all bonds or debentures payable in this Island, and shall remit to the agent or agents in Great Britain, at a convenient time before the same shall become due, such monies as shall be required for payment of the half yearly interest to be payable there.

**Redemption
of loan.**

III. THE Receiver General shall, in each year, invest in such securities in this Island, or in the public funds in Great Britain, when and as the Governor, with the advice of the Executive Committee, shall, by his warrant direct, a sum not exceeding eight hundred and ten pounds, calculated at the rate of three per cent. on the amount of the loan to be from time to time actually raised; and shall also invest the interest and dividends from time to time to accrue on each such annual sum, and the accumulations thereof, for the purpose of a sinking fund, to meet the redemption of the principal monies to be borrowed under the authority of this Act, as the same shall become payable.*

**Loan to be
charged on
general
revenue.**

IV. ALL sums of money which shall be borrowed under the authority of this Act, and all interest thereon, shall be a charge on, and paid out of, the general revenue of this Island, and the monies which shall be required on account of the principal and interest of the loan by this Act authorized, shall be annually stated on the estimates or expenditure and amounts required to be raised for the public service, and shall be raised annually accordingly as part of the general public expenditure.*

Appropriation.

V. ALL monies to be borrowed under the provisions of this Act shall be paid to the Receiver General, and entered in the

* Partially repealed by Sec. 1 of Law 5 of 1872, which see.

several amounts or proportions to the respective accounts next stated, that is to say:—

(a) To the account of The Main Road Further Loan Fund, 1864, not exceeding in the whole, twelve thousand pounds in such sums as may from time to time be directed by the Executive Committee, which shall be carried to the main road fund accounts directed to be kept under the “Main Road Fund Act, one thousand eight hundred and fifty-seven,” Twenty-first Victoria, chapter thirty-four, and be disbursed by the Main Road Commissioners for re-constructing main roads and bridges, and erecting new bridges on main roads.

Main Road
Further
Loan Fund,
1864.

(b) To the account of the Dry River Bridge Loan Account, not exceeding in the whole ten thousand pounds in such sums as may from time to time be directed by the Executive Committee, which shall be disbursed by the Main Road Commissioners for completing the erection of a bridge over the Dry River, in the Parish of Clarendon, under competent professional direction.

Dry River
Bridge Loan
Account.

(c) To the account of the Parochial Roads Loan, not exceeding in the whole five thousand pounds, in such sums as the Executive Committee may from time to time direct, of which shall be appropriated not exceeding two thousand pounds of the monies from time to time available thereout for repair of parochial roads, not being main roads, damaged by the floods in the month of November in the year one thousand eight hundred and sixty-three, and not exceeding three thousand pounds of the monies from time to time available for the formation of new, and re-construction of other parochial roads, not being main roads, and such appropriations shall be made as next mentioned.

Parochial
Roads Loan.

VI. THAT the respective amounts to be raised under this Act for the several purposes before mentioned shall not be

Prohibition.

applied, or disposed of in any other manner, or for any other purpose than is herein directed.

Parochial
Roads Loans.

VII. THE Executive Committee shall fix and determine the allotments to be made of the said sum of five thousand pounds on account of parochial roads as aforesaid, in such amounts or appropriations as to them may seem advisable, upon consideration of the representations already made, or to be made by the Local Boards of Highways and Bridges, as to the damage occasioned to roads by the recent floods, and as to the necessity of assistance being given in forming new or re-constructing existing parochial roads, not being main roads, extensively used for purposes of traffic.

Annual
statement of
accounts.

VIII. DETAILED accounts of the expenditure of the said loan monies, and also of the payments of interest and investment of the sinking fund on account of such loan, shall be laid before the Assembly within twenty-eight days after the opening of each Session thereof.

CHAPTER XXV.

AN Act to make effectual provision for redemption of the Main Road Loans, under the Acts of the Twenty-first Victoria, chapter thirty-four, and Twenty-fourth Victoria, chapter twenty-six.*

WHEREAS the directions contained in the sixth section of the Act of the Twenty-first Victoria, chapter thirty-four, and third section of the Act of the Twenty-fourth Victoria, chapter twenty-six, for establishing Sinking Funds for redemption of the Main Road Loans, authorized to be taken to the amount of ninety thousand pounds under both such Acts, have not, from want of funds at credit of the main road fund, been acted upon, and it is necessary to make, effectual provi-

* Partial unspecific repeal, Law 9 of 1870.

sion for the redemption of such loans: And whereas it is, by the recited Acts, provided that the debentures thereunder shall be redeemable, at the furthest, at the end of fifty years from the dates thereof: And whereas the guaranteed loan of five hundred thousand pounds taken under the Act of the Legislature of this Island, of the Seventeenth Victoria, chapters twenty-nine and thirty-five, and the Act of the Imperial Parliament of the seventeenth and eighteenth years of the Queen, chapter fifty-four, is provided to be paid and discharged on or about the first day of June, which will be in the year one thousand eight hundred and eighty-five, and it is desirable that a sufficient portion of the sum of thirty thousand pounds now annually appropriated for payment of the interest and fund for the redemption of such loan, and which will then be liberated, should thereafter be applied to the redemption of the above-mentioned Main Road Loan: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. [Repealing Clause.]

II. In the financial year one thousand eight hundred and eighty-five, eight-six, and each subsequent financial year, until redemption of the said Main Road Loans, there shall be appropriated and charged, on the estimates of the public expenditure of this Colony, a sum not exceeding fifteen thousand pounds, which shall, in every such year, be applied by the Governor, with the advice of the Executive Committee, in redemption of the principal monies of the said Main Road Loans, according to the numerical order of the respective debentures, issued for the same, until such loans shall be fully redeemed.

Redemption
of Loan.

III. It shall be lawful for the Governor, with the advice of the Executive Committee, to extend the respective periods for which debentures have been issued for such loans, so as to bring the time of payment thereof within the provisions

Extension of
period for
which debentures
issued.

of this Act, but so as that in no case shall any such extension postpone the period of payment beyond the year one thousand eight hundred and ninety.

Incorporation
with previous
Acts.

IV. THIS Act shall be taken as incorporated with, and may be read as part of the recited Acts of the Twenty-first Victoria, chapter thirty-four and Twenty-fourth Victoria, chapter twenty-six.

CHAPTER XXVI.

AN ACT to amend and in aid of the Twenty-fifth Victoria, chapter eighteen, relating to Highways not being Turnpike Roads, governed and regulated by Acts specially relating thereto, and not being Main Roads.*

* * * * *

Burial of
putrefying
matter.

II. THAT any person depositing any dead carcase, offal, or night soil on any place appointed by the Commissioners, or other competent authority, for the deposit of dirt and rubbish, shall effectually bury or burn the same, under the penalty fixed by the sixty-third clause of the above recited Act.

CHAPTER XXVII.

AN ACT to repeal the fourteenth Section of the Fourteenth George the Third, chapter twenty-eight, and to make better provision for entering satisfaction on Judgments.†

* Section 1, omitted as obsolete.

† Repealed by Section 2 of Law 25 of 1879.

CHAPTER XXVIII.

AN ACT to amend the Law of Replevin, and to render the same more beneficially available to the Suitors of this Island.

WHEREAS it is desirable to amend the Law of Replevin, and to render the same more beneficially available to the suitors of this Island: Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island:—

I. THAT the action of replevin shall be maintainable in cases, as well of wrongful detention of property, as of the unlawful taking of property. In what cases maintainable.

II. THAT after the passing of this Act it shall not be lawful for any writ of replevin to be issued, unless, in addition to the affidavits which are now or may be required by the practice of the Court, an affidavit shall be filed by the party applying for such writ, or his lawful attorney, stating the names of the sureties, their residences, the amount of their property available as security with reference to the value of the property in dispute, and also stating that notice has been given to the party against whom such writ of replevin is sought to be issued. Writ not to issue except on affidavit, &c.

III. THAT no such writ of replevin shall be issued unless such affidavits are first filed as aforesaid, and unless the Judge before whom any such application is made shall have first issued a summons, requiring the party against whom such replevin is sought, requiring him, by himself or his lawful attorney, to appear and shew cause why such writ should not be issued: Provided, that the Judge shall not be called upon to decide any questions which may be properly triable before any jury. Notice must be given to opposite party.

IV. THAT before a writ of replevin shall issue in respect of any goods or chattels distrained on for taxes, the claimant shall file an affidavit, shewing how and in what manner the goods Goods distrained on for taxes.

and chattels so distrained on were not so liable, and the grounds upon which the adverse claim is founded, and shall procure an order of a Judge of the Supreme Court authorizing the issue of such writ of replevin, an attested copy of which order shall be served with the copy declaration in replevin; and the Provost Marshal, or his Deputy, before executing such writ, shall require the joint and several bond of the plaintiff, and of two sufficient sureties, to be approved of by the Provost Marshal, or his Deputy, and the Collector of Dues, in a penalty to the Collector of Dues sufficient to cover the value of the goods to be replevined, and the further sum of fifty pounds to cover the probable costs, and to be conditioned for payment of the sum distrained for, and of the costs of distress and of the defence, or for a return of the goods, and payment of the defendant's costs, in case of judgment against the plaintiff, or of nonsuit or discontinuance; and, unless such attested copy order shall be served with the copy declaration, or such bond be delivered, the Provost Marshal, or his Deputy, shall abstain from executing such writ.

Fiat of a Judge
necessary.

V. THAT no such writ of replevin shall be issued unless by fiat of a Judge of the Court in which such replevin is instituted.

Justice may act
in case of
urgency.

VI. THAT in case of urgency, where the property is in danger of being wasted or made away with before the fiat of a Judge of the Supreme Court can be obtained for such replevin, it shall be lawful for a Justice of the Peace to act substitutionally, and to issue such writ.

Judge may
quash writ.

VII. THAT a Judge in Chambers may, on cause shewn, quash such writ so issued as last aforesaid, and order the property so replevined to be restored.

CHAPTER XXIX.

AN Act further to amend the Law of Replevin.

BE it enacted by the Lieutenant-Governor, Legislative Council, and Assembly of this Island :—

THAT the action of replevin shall be maintainable for the recovery of timber, wood, and other trees severed and taken away from the land on which they were growing, although there be no proof that such timber, wood, and trees, when severed or taken away from such land, were ever, as goods and chattels of any kind, in the possession of the party claiming such land.

Replevin maintainable for wood severed from land on which growing.

CHAPTER XXXII.

AN Act to consolidate and amend the Law relating to Offences against the Person.

WHEREAS it is expedient to consolidate and amend the law relating to offences against the person: Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows :—

HOMICIDE.

I. WHOSOEVER shall be convicted of murder shall suffer death as a felon. Murder.

II. UPON every conviction for murder the Court shall pronounce sentence of death, and the same may be carried into execution as heretofore has been the practice; and every person so convicted, shall, after sentence, be confined in some safe place within the prison, apart from all other prisoners, and shall be fed with bread and water only, and with no other food or liquor, except in case of receiving the sacrament, or in case of any sickness or wound, in which case the

Sentence of death.

medical attendant of the prison may order other necessities to be administered; and no person but the gaoler and his servants, and the chaplain and the medical attendant of the prison, shall have access to any such convict, without the permission, in writing, of the Court before whom such convict shall have been tried, or of the Provost Marshal, or his Deputy: Provided, that in case the Court shall think fit to respite the execution of such convict, such Court, or one of the Judges, may, by a license in writing, relax, during the period of the respite, all or any of the restraints or regulations hereinbefore directed to be observed.

Conspiring or
soliciting to
commit murder.

III. ALL persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of her Majesty or not; and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person to murder any other person, whether he be a subject of her Majesty or not, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not more than ten and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Manslaughter.

IV. WHOSOEVER shall be convicted of manslaughter shall be liable, at the discretion of the Court to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, or to pay such fine as the Court shall award in addition to or without any such other discretionary punishment as aforesaid.

Indictment for
murder or
manslaughter.

V IN any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused; but it shall be sufficient in any indictment for murder to charge

that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory Accessories. to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.

VI. No punishment of forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony. Excusable homicide.

VII. EVERY offence which, before the commencement of the Act of the Seventh William Fourth, chapter forty-one, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder. Petit treason.

VIII. WHERE any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of this Island, shall die of such stroke, poisoning, or hurt in this Island, or being feloniously stricken, poisoned, or otherwise hurt at any place in the Island, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of this Island, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, enquired of, tried, determined, and punished in the parish or precinct in which such death, stroke, poisoning, or hurt shall happen, in the same manner in all respects as if such offence had been wholly committed in that parish or precinct. Provision for trial of certain cases of murder or manslaughter.

ATTEMPTS TO MURDER.

Administering poison, or wounding, with intent to murder.

IX. WHOSOEVER shall administer to, or cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shall, by any means whatsoever, wound, or cause any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept to penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Destroying or damaging building with intent to murder.

X. WHOSOEVER, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building, with intent to commit murder, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Setting fire to ship, &c., with intent to murder.

XI. WHOSOEVER shall set fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy, or attempt to destroy, any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept to penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Attempting to administer poison, &c., with intent to murder.

XII. WHOSOEVER shall attempt to administer to, or shall attempt to cause to be administered to, or be taken by any person, any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger, or in any other

manner, attempt to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and being* convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XIII. WHOSOEVER shall, by any means other than those specified in any of the preceding sections of this Act, attempt to commit murder, shall be guilty of felony, and, being convicted thereof shall be liable, at the discretion of the Court, to be kept to penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

By other means attempting to commit murder.

LETTERS THREATENING TO MURDER.

XIV. WHOSOEVER shall maliciously send, deliver, or utter or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

ACTS CAUSING OR TENDING TO CAUSE DANGER TO LIFE, OR BODILY HARM.

XV. WHOSOEVER shall unlawfully and maliciously prevent or impede any person being on board of, or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life,

Preventing person endeavouring to save his life in shipwreck.

* "and be convicted thereof" in Original.

or shall unlawfully or maliciously prevent or impede any person in his endeavours to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and, being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and with or without solitary confinement.

Shooting
or attempt-
ing to shoot,
or wounding
with intent
to do grievous
bodily harm.

XVI. WHOSOEVER shall unlawfully and maliciously, by any means whatsoever, wound, or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

What shall
be deemed
loaded arms.

XVII. ANY gun, pistol, or other arms which shall be loaded in the barrel with gunpowder, or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming, or from any other cause.

Unlawful
wounding.

XVIII. WHOSOEVER shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XIX. WHOSOEVER shall, by any means whatsoever, attempt ^{Attempting to choke, &c.,} to choke, suffocate, or strangle any other person, or shall by ^{in order} any means calculated to choke, suffocate, or strangle, attempt ^{to commit} to render any other person insensible, unconscious, or inca- ^{indictable} pable of resistance, with intent in any of such cases thereby to enable himself, or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XX. WHOSOEVER shall unlawfully apply or administer to, ^{Administer- ing drug} or cause to be taken by, or attempt to apply or administer to, ^{with intent} or attempt to cause to be administered to or taken by, any ^{to commit} person, any chloroform, laudanum, or other stupifying or ^{indictable} over-powering drug, matter, or thing, with intent, in any of such cases, thereby to enable himself, or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any other term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XXI. WHOSOEVER shall unlawfully and maliciously admin- ^{Administer- ing poison so} ister to, or cause to be administered to or taken by any other ^{as to endan-} person, any poison or other destructive or noxious thing, so ^{ger life; or} as thereby to endanger the life of such person, or so as there- ^{inflict griev-} by to inflict upon such person any grievous bodily harm, ^{ous bodily} shall be guilty of felony, and, being convicted thereof, shall ^{harm.} be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less

than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Administering
poison with in-
tent to injure
or annoy.

XXII. WHOSOEVER shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and, being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Jury may acquit
of felony, and
find guilty of
misdemeanor.

XXIII. IF, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case, the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

Abandoning or
exposing child
whereby life en-
dangered.

XXIV. WHOSOEVER shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Causing bodily
injury by explo-
sion of gun-
powder.

XXV. WHOSOEVER shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and, being convicted

thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XXVI. WHOSOEVER shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to, or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon, or otherwise apply to any person, any corrosive fluid, or any destructive or explosive substance, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Causing gunpowder to explode, &c., with intent to do grievous bodily harm.

XXVII. WHOSOEVER shall unlawfully and maliciously put or throw upon or across any railway or tramway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove or displace any rail, sleeper, or other matter or thing belonging to any railway or tramway, or shall unlawfully and maliciously turn, move or divert any points or other machinery belonging to any railway or tramway, or shall unlawfully and maliciously make or show, hide or remove any signal or light upon or near to any railway or tramway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway or tramway, shall be guilty

Placing wood on railway, &c., with intent to endanger safety of passengers.

of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not exceeding three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Doing anything
to endanger
safety of pas-
sengers on rail-
way.

XXVIII. WHOSOEVER, by any unlawful act, or by any wilful omission or neglect, shall endanger, or cause to be endangered, the safety of any person conveyed by or being in or upon a railway or tramway, or shall aid or assist therein, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

ASSAULTS.

Obstructing
Clergyman in
performance of
his duties.

XXIX. WHOSOEVER shall, by threats or force, obstruct or prevent, or endeavour to obstruct and prevent, any Clergyman or other Minister in or from celebrating Divine Service, or otherwise officiating in any Church, Chapel, Meeting-house, or other place of Divine Worship, or in or from the performance of his duty in the lawful burial of the dead in any Churchyard or other burial place, or shall strike, or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any Clergyman or other Minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties of this section aforesaid, or who, to the knowledge of the offender, shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting
Magistrate
when preserv-
ing wreck.

XXX. WHOSOEVER shall assault and strike or wound any Magistrate, Officer, or other person whatsoever lawfully authorized, in or on account of the exercise of his duty in or con-

cerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XXXI. WHOSOEVER shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any Peace Officer in the due execution of his duty, or any person acting in the aid of such Officer, or shall assault any person with intent to resist or prevent the lawful apprehension of himself or any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault with intent to commit felony, or on Peace Officers, &c.

XXXII. WHOSOEVER shall unlawfully, and with force, hinder or prevent any seaman or person laboring on board any vessel from working at or exercising his lawful trade, business, or occupation, or shall beat or use any violence to any such person, with intent to hinder or prevent him from working at or exercising the same shall, on conviction thereof before two Justices of the Peace, be liable to be imprisoned in the common gaol, or general penitentiary, or district prison, and, if in either of the latter, be liable to be kept, in addition, to hard labor for any term not exceeding three months: Provided, that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.

Hindering seaman from working at his trade, &c.

XXXIII. WHOSOEVER shall beat, or use any violence or threat of violence to any person, with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any poultry,

Using violence to deter person from buying or selling.

hogs, grain, fruit, or fish, or other provisions, or food in any market or other place, or shall beat, or use any such violence or threats to any person having the care or charge of any poultry, hogs, grain, fruit, or fish, or other provisions, whilst on the way to or from any city, market, town or other place in this Island, with intent to stop the conveyance of the same, shall, on conviction thereof before two Justices of the Peace, be liable to be imprisoned in the common gaol, or general penitentiary, or district prison; and, if in either of the two latter, be liable, in addition, to be kept to hard labor for any term not exceeding three months: Provided, that no person, who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

Summary
jurisdiction
to try com-
mon assaults.

XXXIV, WHERE any person shall unlawfully assault or beat any other person, two Justices of the Peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the Justices, either be committed to the common gaol, or district prison, or the general penitentiary, there to be imprisoned with or without hard labor for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered) the sum of five pounds; and if such fine as shall be so awarded, together with the costs, if ordered, shall not be paid either immediately after conviction, or within such period as the said Justices shall at the time of the conviction appoint, they may commit the offender to the common gaol, or district prison, or general penitentiary, there to be imprisoned with or without hard labour for any term not exceeding two months unless such fine and costs be sooner paid.

Aggravated
assaults on
women or
children.

XXXV. WHEN any person shall be charged before two Justices of the Peace with an assault or battery upon any male child whose age shall not, in the opinion of such Justices,

exceed fourteen years, or upon any female either upon the complaint of the party aggrieved or otherwise, the said Justices, if the assault or battery is of such an aggravated nature that it cannot, in their opinion, be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the prisoner accused; and every such offender shall be liable to be imprisoned in the general penitentiary, or in any district prison, with or without hard labour, or without hard labour in any gaol, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds; and, in default of payment, to be imprisoned as aforesaid for any period not exceeding six months unless such fine and costs be sooner paid; and, if the Justices shall so think fit, in any of the said cases, shall be bound to keep the peace, and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

XXXVI. If the Justices, upon the hearing of any such case of assault and battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate, under their hands, stating the facts of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

Justices may
dismiss com-
plaint, certi-
fying dismissal.

XXXVII. If any person against whom such complaint as in either of the last three preceding sections mentioned shall have been preferred by or on behalf of the party aggrieved shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or

Certificate or
conviction to
be a bar to
further
proceedings.

shall have suffered the imprisonment, or imprisonment with hard labor awarded; in every such case, he shall be released from all further or other proceedings, civil or criminal, for the same cause: Provided, that in case the Justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if they had no authority finally to hear and determine the same; Provided also, that nothing herein contained shall authorize any Justices to hear and determine any case of assault or battery in which any question shall arise as to the title to any land, tenements, or hereditaments, or any interest therein, or accruing therefrom, or as to any insolvency, or any execution under the process of any Court of Justice.

Punishment
for common
and aggravated
assaults.

XXXVIII. WHOSOEVER shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour.

RAPE—ABDUCTION AND DEFILEMENT OF WOMEN.

Rape.

XXXIX. WHOSOEVER shall be convicted of the crime of rape shall be guilty of felony, and, being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

XL. WHOSOEVER shall, by false petences, false representations, or other fraudulent means, procure any woman or girl under the age of twenty-one years to have illicit carnal connection with any man, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without had labour.

Procuring
defilement
of girl under
21.

XLI. WHOSOEVER shall unlawfully and carnally know and abuse any girl under the age of nine years shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Carnally
knowing girl
under nine.

XLII. WHOSOEVER shall unlawfully and carnally know and abuse any girl being above the age of nine years and under the age of eleven years shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Above nine
and under
eleven.

XLIII. WHOSOEVER shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under eleven years of age, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Indecent
assault, &c.

XLIV. WHERE any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be a presumptive heiress, or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whoever shall, from motives of lucre, take away or detain such woman against her will, with intent

Abduction
from motives
of lucre.

to marry or carnally know her, or to cause her to be married or carnally known by any other person, and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession, and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction, be settled in such manner as the Court of Chancery of this Island shall, upon any information at the suit of the Attorney General, appoint.

**Forcible
abduction.**

XLV. WHOSOEVER shall by force take away or detain, against her will any woman of any age, with intent to marry or carnally know her, or cause her to be married or carnally known by any other person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

**Abduction of
girl under
sixteen.**

XLVI. WHOSOEVER shall unlawfully take, or cause to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father

or mother, or of any other person having the lawful care or charge of her shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

CHILD STEALING.

XLVII. WHOSOEVER shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child to whomsoever such article may belong; and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as in this section before-mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: Provided, that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child out of the possession of any person having the lawful charge thereof.

BIGAMY.

XLVIII. WHOSOEVER, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Island or elsewhere, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding four

years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and any such offence may be dealt with, inquired of, tried, determined and punished in any parish or precinct of this Island where the offender shall be apprehended, or be in custody, in the same manner in all respects as if the offence had been actually committed in that parish or precinct: Provided, that nothing in this section contained shall extend to any second marriage contracted elsewhere than in Jamaica by any other than a subject of her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

ATTEMPTS TO PROCURE ABORTION.

XLIX. EVERY woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent; and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or* without solitary confinement.

* "with and without" in Original

L. WHOSOEVER shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

CONCEALING THE BIRTH OF A CHILD.

LI. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at, or after the birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour: Provided, that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof; and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

UNNATURAL OFFENCES.

LII. WHOSOEVER shall be convicted of the abominable Crime. crime of buggery, committed either with mankind or with any animal, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than ten years.

LIIL. WHOSOEVER shall attempt to commit the said abomi- Attempt. nable crime, or shall be guilty of any assault with intent to

commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Proof of
carnal know-
ledge.

LIV. WHENEVER, upon the trial of any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

OTHER MATTERS.

Apprehen-
sion without
warrant.

LV. ANY Constable or Policeman may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit any felony in this Act mentioned, and shall take such person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to law.

Punishment
of principals
in second
degree and
accessories.

LVI. In the case of every felony punishable under this Act every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and every accessory after the fact to murder shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall coun-

sel, aid, or abet the commission of any indictable misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

LVII. ALL indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Vice-Admiralty of this Island shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in this Island, and may be dealt with, inquired of, tried, and determined in any parish or precinct in which the offender shall be apprehended or be in custody, in the same manner, in all respects, as if they had been actually committed in that parish or precinct; and in any indictment for any such offence, or for being an* accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such parish or precinct, and the offence shall be averred to have been committed "on the high seas:" Provided, that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

Offences on
high seas.

LVIII. WHENEVER solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the Court may award, not exceeding one month at any one time, and not exceeding three months in any one year.

Solitary confinement.

LIX. WHENEVER any person shall be convicted of any indictable misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any punishment by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either for keeping the peace and being of good behaviour; and, in case of any felony punishable under this Act other-

Fine and sureties for good
behaviour.

* 'being an' not in Original.

wise than with death, the Court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties both or either for keeping the peace, in addition to any punishment by this Act authorized: Provided, that no person shall be imprisoned for not finding sureties under this clause for any period exceeding one year.

Conviction not
to be quashed
for want of
form, &c.

LX. No summary conviction under this Act shall be quashed for want of form, or be removed by *certiorari* into the Supreme Court; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Costs on pro-
secution for
assault.

LXI. WHERE any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time as the Court shall, by affidavit or other enquiry and examination, ascertain to be reasonable; and, unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Recovery of
costs by distress.

LXII. THE Court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale shall be paid to the owner; and, in case the sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

LXIII. No attainder by judgment of death or outlawry in any case of felony shall be adjudged to work any corruption of blood. Corruption of blood.

LXIV. [Repealing Section.]

CHAPTER XXXIII.*

AN ACT to Consolidate and Amend the Statute Laws relating to Larceny and other similar Offences.†

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. IN the interpretation of this Act :

Interpretation
of terms.

The term “document of title to goods” shall include any bill of lading, Warehouse-keeper’s certificate, warrant‡ or order for the delivery or transfer of any goods or valuable thing, bought and sold, note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery the possession of such document to transfer or receive any goods thereby represented or therein mentioned or referred to ;

The term “document of title to lands” shall include any deed, map, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title to any real estate, or to any interest out of any real estate ;

* Law 14 of 1876 by its 4th Section has since been incorporated with this Act.

† Amended by Sec. 3 of Law 24 of 1872 by making a member of a Copartnership liable for stealing or embezzling partnership property.

‡ “Warrant” not in Original.

The term "Trustee" shall mean a Trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir or personal representative of any such Trustee, and any other person upon or to whom the duty of such Trust shall have devolved or come; and also an Executor and Administrator, and an Official Manager or Assignee or other like Officer acting under any present or any future Act relating to joint Stock Companies or insolvency;

The term "valuable security" shall include any order or other security whatever entitling or evidencing the title of any person or Body Corporate to any share or interest in any Public Stock or Fund of this Island, or of the United Kingdom of Great Britain and Ireland, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society within this Island, or of the United Kingdom of Great Britain and Ireland, or in any Foreign State or Country, or to any deposit in any Bank; and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money, or for payment of money whether of this Island or of Great Britain or Ireland, or of any Foreign State, and any document of title to lands or goods as hereinbefore defined;

The term "property" shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods; and shall also include, not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise;

For the purposes of this Act the night shall be deemed to commence at seven of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day ; and, for the purposes of this Act, the word " month " shall mean a calendar month.

II. EVERY larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects, as grand larceny was in this Island before the fourth March, one thousand eight hundred and thirty-seven ; and every such offence may be dealt with, enquired of, tried, determined, and punished as heretofore in any Court which has now the power to try such offences or larcenies, and also to try and punish all accessories thereto.

All larcenies to be deemed of same nature as grand larceny.

III. WHOSOEVER, being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny ; but this section shall not extend to any offence punishable on summary conviction.

Bailees fraudulently converting bailment guilty of larceny.

IV. WHOSOEVER shall be convicted of simple larceny, or of any felony made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years with or without hard labour, and with or without solitary confinement.

Punishment for simple larceny.

V. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the

Three larcenies may be charged in one indictment.

space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

Where
single taking
charged, and
several
takings
proved.

VI. IF, upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and last of such takings; and, in either of such last-mentioned cases, the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

Larceny
after pre-
vious con-
viction for
felony.

VII. WHOSOEVER shall commit the offence of simple larceny after a previous conviction for felony, whether such conviction shall have taken place upon an indictment, or under the provisions of any Act authorizing any two or more Justices of the Peace assembled in Petty Sessions to convict for any simple larceny, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

After pre-
vious con-
viction for
misdemeanor.

VIII. WHOSOEVER shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanor punishable under this Act, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

AS TO LARCENY OF CATTLE, OR OTHER ANIMALS.

IX. WHOSOEVER shall steal any horse, mare, gelding, colt or filly, mule, or ass, or any bull, cow, or heifer, or calf, or any ram, ewe, sheep, or lamb, pig, or goat, shall be guilty of felony; and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing horses, cows, sheep, &c.

X. WHOSOEVER shall wilfully kill any animal, with intent to steal the carcass, skin, or any part of the animal so killed, shall be guilty of felony, and being convicted thereof, shall be liable to the same punishment as if he had been convicted of feloniously stealing the same: Provided, the offence of stealing the animal so killed would have amounted to felony.

Killing animal with intent to steal carcass.

XI. WHOSOEVER shall steal any bird, or any dog, or shall steal any other beast or animal ordinarily kept in a state of confinement or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird or beast or animal, with intent to steal the same, or any part thereof, shall, on conviction thereof before two Justices of the Peace, at the discretion of such Justices, either be committed to the common gaol or district prison or general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months; or else shall forfeit and pay, over and above the value of the bird, beast or other animal, such sum of money, not exceeding twenty pounds, inclusive of costs, as to the Justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any offence in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to the general penitentiary, or to the

Stealing dogs or animals ordinarily kept in state of confinement.

nearest district prison, there to be kept to hard labour for such time not exceeding twelve months as the convicting Justice* shall think fit.

Possession
of stolen pro-
perty.

XII. If any such dog, or the skin of any such dog, or if any such bird, or the plumage thereof, or any such beast, or the skin thereof, or any such animal, or any part thereof, shall be found in the possession or on the premises of any person, any Justice may restore the same respectively to the owner thereof; and any person in whose possession, or on whose premises such dog, or the skin thereof, or such bird, or the plumage thereof, or such beast, or the skin thereof, or such animal, or any part thereof, shall be so found (such person knowing that the dog, bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen dog, or of a stolen beast, or that the part is the part of a stolen animal), shall, on conviction before a Justice of the Peace, be liable for a first offence to such forfeiture, and for every subsequent offence to such punishment, as any person convicted of stealing any dog, other beast, or bird is made liable to by the last preceding section.

Taking or
destroying
fish, &c.

XIII. WHOSOEVER shall unlawfully and wilfully take or destroy any fish, crabs, cray-fish, oysters, or turtle in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person, being the owner of such water, shall be guilty of a misdemeanor; and whosoever shall unlawfully and wilfully take and destroy, or attempt to take or destroy, any fish, crabs, cray-fish, oysters, or turtle in any water, not being such as hereinbefore mentioned, but which shall be private property, shall, on conviction thereof before one Justice of the Peace, forfeit and pay, over and above the value of the fish taken or destroyed (if any) such sum of money, not exceeding five pounds, as to the Justice shall seem meet.

* So in Original. Query, "Justices."

AS TO LARCENY OF WRITTEN INSTRUMENTS.

XIV. WHOSOEVER shall steal, or shall, for any fraudulent purpose destroy, cancel or obliterate the whole or any part of any valuable security, other than a document of title to lands shall be guilty of felony of the same nature, and in the same degree and punishable in the same manner, as if he had stolen any chattel of like value with the share, interest or deposit to which the security so stolen may relate, or with the money due on the security so stolen, or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

Stealing or
destroying
valuable se-
curity.

XV. WHOSOEVER shall steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any document of title to lands, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and, in any indictment for any such offence relating to any document of title to lands, it shall be sufficient to allege such document to be or to contain evidence of the title, or of part of the title, of the person, or of some one of the persons, having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention the real estate, or some part thereof.

Document
title to lands.

XVI. WHOSOEVER shall, either during the life of the testator, or after his death, steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, shall be guilty of felony; and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal

Wills or
codicils, &c.

servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not, in any indictment for such offence be necessary to allege that such will, codicil, or other instrument is the property of any person : Provided, that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed ; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him ; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever in respect of an act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any Court, upon the hearing of any matter in any insolvency.

Records, &c.

XVII. WHOSOEVER shall steal, or for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously cancel, obliterate, injure, or destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever of or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order or decree, or of any original document

whatsoever of or belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court, or of any original document in anywise relating to the business of any office or employment under her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any Government or Public Office, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement ; and it shall not, in any indictment for such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person.

AS TO LARCENY OF THINGS ATTACHED TO, OR GROWING ON LAND.

XVIII. WHOSOEVER shall steal, or shall rip, cut, sever, or break with intent to steal, any glass or wood-work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, or of both respectively, fixed in or to any building whatsoever, or any thing made of metal fixed in any land, being private property, or for a fence to any dwelling-house, garden, or in any street, or in any place dedicated to public use or ornament, or in any burial ground, shall be guilty of felony, and, being convicted thereof, shall be liable to be punished as in the case of simple larceny ; and in case of any such thing fixed in such street or place as aforesaid it shall not be necessary to allege the same to be the property of any person.

Stealing
metal, glass,
&c. attached
to building.

XIX. WHOSOEVER shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any

Trees, &c.

dwelling-house, shall (in case the value of the article or articles stolen, or the amount of injury done shall exceed the sum of one pound) be guilty of felony, and, being convicted thereof, shall be liable to be punished as in the case of simple larceny ; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any under-wood, respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of three pounds), be guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny.*

Summary
jurisdiction to
try stealing of
trees, &c.

XX. WHOSOEVER shall steal, or shall cut, break, root up, or otherwise destroy with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles, or the injury done being to the amount of one shilling at the least, shall on conviction thereof before two Justices of the Peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding three pounds, as to the Justices shall seem meet ; and whosoever, having been convicted of any such offence either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall, for such second offence, be committed to the general penitentiary, or to the nearest district prison, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting Justice† shall think fit ; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall

Second and
third offence.

* Repealed, so far as it relates to offences punishable under Law 6 of 1877, by Sec. 2 of that Law.

† So in Original. Query, "Justices."

have taken place before or after the passing of this Act) shall afterwards commit any of the offences in this section before-mentioned, shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.*

XXI. WHOSOEVER shall steal, or shall cut, break, or throw down with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire, or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on conviction thereof, before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding three pounds, as to the Justices† shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to the general penitentiary, or the nearest district prison, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting Justice shall think fit.

Fences,
posts, wires,
rails, &c.

XXII. IF the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof, being of the value of one shilling at the least, shall be found in the possession of any person, or on the premises of any person, with his knowledge, and such person being summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall, on conviction by the Justice, forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.†

Property sus-
pected to be
stolen.

* Repealed so far as it relates to offences punishable under Law 6 of 1877, by Section 2 of that Law.

† So in Original. Query, "Justices."

* * * * *

AS TO LARCENY FROM THE PERSON, AND OTHER LIKE OFFENCES.

Robbery, &c.

XXV. WHOSOEVER shall rob any person, or shall steal any chattel, money, or valuable security from the person of another, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour and with or without solitary confinement.

On trial for robbery, jury may convict of assault with intent to rob.

XXVI. IF, upon the trial of any person upon any indictment for robbery, it shall appear to the Jury, upon the evidence, that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob the defendant shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return, as their verdict, that the defendant is guilty of an assault with intent to rob; and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for the robbery for which he was so tried.

Assault with intent to rob.

XXVII. WHOSOEVER shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof (save and except in the cases where a greater punishment is provided by this Act) be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Robbery by person armed.

XXVIII. WHOSOEVER shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or

persons, rob, or assault with intent to rob, any person, and at the time of or immediately before or immediately after such robbery, shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XXIX. WHOSOEVER shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person, with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and, being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Sending letter demanding money with menaces.

XXX. WHOSOEVER shall, with menaces, or by force, demand any property, chattel, money, valuable security, or other valuable thing of any person, with intent to steal the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, with or without hard labour, and with or without solitary confinement.

Demanding money with menaces with intent to steal.

XXXI. WHOSOEVER shall send, deliver, or utter, or directly or indirectly caused to be received, knowing the contents thereof, any letter or writing accusing, or threatening to accuse, any other person of any crime punishable by law with death or penal servitude for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavor to commit any rape, or of any infamous

Sending letter threatening to accuse of crime.

crime as hereinafter defined, with a view or intent in any of such cases to extort or gain, by means of such letter or writing, any property, chattel, money, valuable security, or other valuable thing from any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and the abominable crime of buggery, committed either with mankind or beast, and every assault, with intent to commit the said abominable crime, and every attempt or endeavor to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Accusing or threatening to accuse of infamous crime.

XXXII. WHOSOEVER shall accuse, or threaten to accuse, either the person to whom such accusation or threat shall be made, or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with a view or intent in any of the cases last aforesaid, to extort or gain from such person so accused, or threatened to be accused, or from any other person, any property, chattel, money, valuable security or other valuable thing, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Compelling person to execute deed, &c.

XXXIII. WHOSOEVER with intent to defraud or injure any other person shall, by any unlawful violence to, or restraint of, or threat of violence to or restraint of, the person of another, or by accusing or threatening to accuse any person of any treason, felony, or infamous crime as hereinbefore de-

fined, compel or induce any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any Body Corporate, Company, or Society upon or to any paper or parchment, in order that the same may be afterwards made, or converted into, or used, or dealt with as a valuable security, shall be guilty of felony, and, being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XXXIV. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury, or accusation to be caused or made by the offender, or by any other person.

Immaterial by whom threats to be carried out.

AS TO SACRILEGE, BURGLARY, AND HOUSE-BREAKING.

XXXV. WHOSOEVER shall break and enter any Church, Chapel, Meeting-house, or other place of Divine Worship, and commit any felony therein, or being in any Church, Chapel, Meeting-house, or other place of Divine Worship, shall commit any felony therein, and break out of the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking into Church or Chapel

XXXVI. WHOSOEVER shall enter the dwelling-house of another with intent to commit any felony therein, or, being in such dwelling-house, shall commit any felony therein, and shall, in either case, break out of the said dwelling-house in the night, shall be deemed guilty of burglary.

Entering dwelling house with intent to commit felony.

Punishment
for burglary.

XXXVII. WHOSOEVER shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

What build-
ing within
curtilage
shall be
deemed part
of dwelling-
house.

XXXVIII. No building, although within the same curtilage with any dwelling-house and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other.

Entering
dwelling
house at
night with
intent to
commit
felony.

XXXIX. WHOSOEVER shall enter any dwelling-house in the night with intent to commit any felony therein shall be guilty of felony, and, being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking
into building
within curti-
lage of dwel-
ling-house,
&c.

XL. WHOSOEVER shall break and enter any building, and commit any felony therein, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof according to the provision herein-before-mentioned, or, being in any such building, shall commit any felony therein, and break out of the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XLI. WHOSOEVER shall break and enter any dwelling-house, school-house, shop, warehouse, or counting-house, and commit any felony therein, or, being in any dwelling-house, school-house, shop, warehouse, or counting-house, shall commit any felony therein, and break out of the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking,
into house,
and commit-
ting felony,

XLII. WHOSOEVER shall break and enter any dwelling-house, Church, Chapel, Meeting-house, or other place of Divine Worship, or any building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit any felony therein, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Breaking
into house,
&c., with in-
tent to com-
mit felony.

XLIII. WHOSOEVER shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house, or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any pick-lock, key, crow-jack, bit, or other implement of house-breaking, or shall be found by night with his face blackened or otherwise disguised, with intent to commit any felony, or shall be found by night in any dwelling-house, or other building whatsoever, with intent to commit any felony therein, shall be guilty of a misdemeanor, and, being

Being found
by night
armed with
intent to
commit
house-break-
ing, &c.

convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Second conviction.

XLIV. WHOSOEVER shall be convicted of any such misdemeanor as in the last preceding section mentioned committed after a previous conviction, either for felony or misdemeanor, shall, on such subsequent conviction, be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

AS TO LARCENY IN THE HOUSE.

Stealing in house to value of £3.

XLV. WHOSOEVER shall steal in any dwelling-house any chattel, money, or valuable security to the value in the whole of three pounds or more shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing in house with menaces.

XLVI. WHOSOEVER shall steal any chattel, money, or valuable security in any dwelling-house, and shall, by any menace or threat, put any one, being therein, in bodily fear, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

AS TO LARCENY IN MANUFACTORIES.

Stealing goods in pro-

XLVII. WHOSOEVER shall steal to the value of ten shillings any goods or articles of manufacture whatsoever, whilst laid,

placed, or exposed during any stage, process, or progress of manufacture in any building, field, or other place, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XLVIII. If any sugar already manufactured or in the process of manufacture, or any coffee or pimento, ginger, or other valuable produce commonly used for exportation in the Island, being of the value of one shilling at the least, shall, by virtue of a search warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person, with his knowledge, and such person, being taken before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall, on conviction by the Justice, forfeit and pay, over and above the value of the article so found, any sum not exceeding six pounds.

AS TO LARCENY IN SHIPS, WHARVES, &C.

XLIX. WHOSOEVER shall steal any goods or merchandize in any vessel, canoe, or boat of any description whatsoever, in any haven, or in any port of entry or discharge, or any navigable river, or in any creek or basin belonging to or communicating with such haven or port or river, or shall steal any goods or merchandize from any wharf, or quay, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, nor less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Stealing
from wreck.

L. WHOSOEVER shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the parish or precinct in which the offence shall have been committed, or in any parish or precinct next adjoining.

Wrecked
goods found
in possession
of any one.

LI. IF any goods, merchandize, or articles of any kind belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person with his knowledge, or on the premises of any person with his knowledge, and such person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, and the offender shall, on conviction of such offence before the Justice, at the discretion of the Justice, be committed to the common gaol, or district prison, or general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding twelve pounds, as to the Justice shall seem meet.

Offering
wrecked
goods for
sale.

LII. IF any person shall offer or expose for sale any goods, merchandize, or articles whatsoever which shall have been unlawfully taken, or shall be reasonably suspected to have been taken from any ship or vessel in distress, or wrecked,

stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any Officer of Customs, or Peace Officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of such seizure to some Justice of the Peace; and if the person who shall have offered or exposed the same for sale, being summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such goods, merchandize, or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender shall, on conviction of such offence by the Justice, at the discretion of the Justice, either be committed to the common goal, or to the district prison, or general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding twelve pounds, as to the Justice shall seem meet.

AS TO LARCENY OR EMBEZZLEMENT BY CLERKS, SERVANTS, OR PERSONS IN THE PUBLIC SERVICE.

LIII. WHOSOEVER, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to, or in the possession or power of his master or employer, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Larceny by
clerks or ser-
vants.

LIV. WHOSOEVER being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or ser-

Embezzlement
by clerks or
servants.

vant, shall fraudulently embezzle any chattel, money, or valuable security which shall be delivered to, or received or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master, or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant or other person so employed; and, being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour and with or without solitary confinement.

Larceny by
persons in
the public
service.

LV. WHOSOEVER, being employed in the Public Service of her Majesty, or being a Constable or other person employed in the Police of any city, parish, precinct, or place whatsoever, shall steal any chattel, money, or valuable security belonging to or in the possession or power of her Majesty, or intrusted to, or received, or taken into possession by him by virtue of his employment, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Embezzlement
by persons
in the public
service.

LVI. WHOSOEVER, being employed in the Public Service of her Majesty, or being a Constable or other person employed in the Police of any county, city, district, or place whatsoever, and intrusted, by virtue of such employment, with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to, or received, or taken into possession by him by virtue of his employment, or

any part thereof, or in any manner fraudulently apply or dispose of the same, or any part thereof, to his own use or benefit, or for any purpose whatsoever except for the Public Service, shall be deemed to have feloniously stolen the same from her Majesty, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and every offender against this or the last preceding section may be dealt with, indicted, tried, and punished either in the county or place in which he shall be apprehended or be in custody, or in which he shall have committed the offence; and in every case of larceny, embezzlement, or fraudulent application or disposition of any chattel, money, or valuable security in this and the last preceding section mentioned, it shall be lawful, in the warrant of commitment by the Justice before whom the offender shall be charged and in the indictment to be preferred against such offender, to lay the property of such chattel, money, or valuable security in her Majesty.

LVII. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or disposition hereinbefore mentioned, it shall be lawful to charge in the indictment, and proceed against the offender for, any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three which may have been committed by him against her Majesty, or against the same master or employer, within the space of six months from the first to the last of such acts; and, in every such indictment, where the offence shall relate to any money, or any valuable security, it shall be sufficient to allege the embezzlement, or fraudulent application or disposition to be of money, without specifying any particular coin, or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall

Distinct acts of embezzlement may be charged in same indictment.

be proved to have embezzled, or fraudulently applied or disposed of, any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved ; or if he shall be proved to have embezzled, or fraudulently applied or disposed of, any piece of coin, or valuable security, or any portion of the value thereof, although such piece of coin, or valuable security, may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

Person indicted for embezzlement not entitled to be acquitted if it turns out to be larceny, and vice versa.

LVIII. IF, upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the Public Service, or in the Police, as the case may be ; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny ; and if, upon the trial of any person indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, or fraudulent application or disposition as aforesaid, he shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, or fraudulent application or disposition, as the case may be ; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent

application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

AS TO LARCENY BY TENANTS OR LODGERS.

LIX. WHOSOEVER shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him, or her, or her husband, or by any person on behalf of him, or her, or her husband, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement; and, in case the value of such chattel or fixture shall exceed the sum of five pounds, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the common form as for larceny; and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger; and, in either case, to lay the property in the owner or person letting to hire.

AS TO FRAUDS BY AGENTS, BANKERS, OR FACTORS.

LX. WHOSOEVER, having been entrusted, either solely or jointly with any other person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any money, or security for the payment of money, with any direction, in writing, to apply, pay, or deliver such money or security, or any part thereof respectively, or* the proceeds, or any part of the proceeds

Agent, &c.,
fraudulently
converting
money en-
trusted to him
to his own use.

* "of" in Original.

of such security, for any purpose or to any person specified in such direction, shall, in violation of good faith, and contrary to the terms of such direction, in anywise convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so entrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever, having been entrusted, either solely or jointly with any other person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any Public Stock or Fund, whether of the Island or elsewhere, or in any Stock or Fund of any Body Corporate, Company, or Society, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so entrusted, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the Stock or Fund to which such power of attorney shall relate, or any part thereof, or the share or interest in the Stock or Fund to which such power of attorney shall relate, or any part thereof, shall be guilty of misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to Agents shall affect any Trustee in or under any instrument whatsoever, or any mortgagee* of any property, real or personal, in respect

* 'mortgage' in Original.

of any act done by such Trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage, nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed ; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

LXI. WHOSOEVER, being a Banker, Merchant, Broker, Attorney, or Agent, and being entrusted either solely or conjointly with any other person with the property of any other person for safe custody, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate the same, or any part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Agents, &c.,
fraudulently
selling property
entrusted to
them for safe
custody.

LXII. WHOSOEVER, being entrusted, either solely or jointly with any other person, with any power of attorney* for the sale or transfer of any property shall fraudulently sell, or transfer, or otherwise convert the same, or any part thereof, to his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, shall be guilty of a misdemeanor; and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punish-

Persons frau-
dulently sell-
ing property
under power
of attorney.

* "any other power of attorney" in Original.

ments which the Court may award as hereinbefore mentioned.*

Factors
obtaining
advances on
goods of
their princi-
pals.

LXIII. WHOSOEVER, being a Factor or Agent entrusted, either solely or jointly with any other person for the purpose of sale or otherwise with the possession of any goods, or of any documents of title to goods, shall, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any other person other than the person by whom he was so entrusted, and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or document of title so entrusted to him as in this section before-mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such Factor or Agent, at or before the time of making such consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned; and every Clerk, or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the same punishments: Provided, that no such Factor or Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for, or

* "hereinbefore last-mentioned" evidently meant, but so in Original.

subject to the payment of, any greater sum of money than the amount which, at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such Agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such Factor or Agent.

LXIV. ANY Factor or Agent entrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained * by reason of such Factor or Agent having been entrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been entrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such Factor or Agent shall be deemed to be possessed of such goods or document, whether the same shall be in his actual custody, or shall be held by any other person, subject to his control, or for him, or on his behalf; and where any loan or advance shall be *bonâ fide* made to any Factor or Agent entrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods, or document of title, and such goods or documents of title shall actually be received by the person making such loan or advance, without notice that such Factor or Agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title, within the meaning of the last preceding section, though such goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct

Definition of
"entrusted,"
"pledge,"
&c.

* "otherwise by reason" in Original.

by such Factor or with any Clerk or person on his behalf, shall be deemed a contract or agreement with such Factor or Agent; and any payment made, whether by money, or bill of exchange, or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a Factor or Agent in possession as aforesaid of such goods or document shall be taken, for the purposes of the last preceding section, to have been entrusted therewith by the owner thereof, unless the contrary be shewn in evidence.

Trustees
fraudulently
converting
trust property
to their
own use.

LXV. WHOSOEVER, being a Trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any other purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned: Provided, that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of her Majesty's Attorney General: Provided also, that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding shall have been had, or shall be pending.

Directors,
&c., of com-
panies fraudu-
lently ap-
plying pro-
perty of com-
pany to their
own use.

LXVI. WHOSOEVER, being a Director, Member, or Public Officer of any Body Corporate or Public Company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes* of

* "other than the use or purposes" not in Original.

such Body Corporate or Public Company, any of the property of such Body Corporate or Public Company, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore mentioned.*

LXVII. WHOSOEVER, being a Director, Public Officer, or Manager of any Body Corporate or Public Company, shall, as such, receive or possess himself of any of the property of such Body Corporate or Public Company otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of such Body Corporate or Public Company, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Fraudulently
omitting to
make entry
in accounts.

LXVIII. WHOSOEVER, being a Director, Manager, Public Officer, or Member of any Body Corporate or Public Company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the Body Corporate or Public Company, or make, or concur in the making of, any false entry, or omit, or concur in omitting, any material particular in any book of account or other document, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Fraudulently
destroying, or
falsifying
books, &c.

LXIX. WHOSOEVER, being a Director, Manager, or Public Officer of any Body Corporate or Public Company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of

Publishing
false state-
ments.

† "hereinbefore last mentioned" evidently meant, but so in Original.

such Body Corporate or Public Company, or with intent to induce any person to become a shareholder or partner therein, or to entrust or advance any property to such Body Corporate or Public Company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last-mentioned.

Party still
liable to
make full
discovery,
and to answer
questions.

LXX. NOTHING in any of the last eight preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer or affidavit in answer, to any bill in equity, or cause petition, or to answer any question or interrogatory, in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall, at any time previously to his being charged with such offence, have first disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in bankruptcy or insolvency.

Saving of exist-
ing remedies.

LXXI. NOTHING in any of the last nine preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing

in the said sections contained shall affect or prejudice any agreement entered into, or security given, by any Trustee, having for its object the restoration or repayment of any trust property misappropriated.

AS TO OBTAINING MONEY, &C., BY FALSE PRETENCES.

LXXII. WHOSOEVER shall, by any false pretence, obtain from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: Provided, that if, upon the trial of any person indicted for such misdemeanor, it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: Provided also, that it shall be sufficient in any indictment for obtaining, or attempting to obtain, any such property by false pretence, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattels, money, or valuable security; and, on the trial of any such indictment, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Obtaining
money under
false pretences.

LXXIII. WHOSOEVER shall by any false pretence, cause or procure any money to be paid, or any chattel or valuable security to be delivered, to any other person, for the use or benefit or on the account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed

Procuring
money to be
paid by false
pretence.

to have obtained such money, chattel or valuable security within the meaning of the last preceding section.

Inducing person by false pretence to sign paper to be used as a valuable security.

LXXIV. WHOSOEVER, with intent to defraud, or injure any other person, shall, by any false pretence, fraudulently cause or induce any other person to execute, make, accept, indorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or* of any Company, Firm, or Co-partnership, or the seal of any Body Corporate, Company, or Society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

AS TO RECEIVING STOLEN GOODS.

Receiving.

LXXV. WHOSOEVER shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and, in the latter case, whether the principal felony shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or

* "or" not in Original."

without hard labour, and with or without solitary confinement: Provided, that no person, however tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

LXXVI. IN any indictment containing a charge of feloniously stealing any property, it shall be lawful to add a count or several counts, for feloniously receiving the same, or any part or parts thereof, knowing the same to have been stolen, and, in any indictment for feloniously receiving any property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property, or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment shall have been preferred and found against two or more persons, it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty, either of stealing the property, or of receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen.

In indictment
for stealing
count may be
added for
receiving, and
vice versa.

LXXVII. WHENEVER any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody, or amenable to justice.

Any number of
receivers may
be charged in
same indictment.

On indictment for jointly receiving, persons may be convicted of separately receiving.

LXXVIII. IF, upon the trial of any two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as shall be proved to have received any part or parts of such property.

Receiving where the stealing is a misdemeanor.

LXXIX. WHOSOEVER shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amendable to justice; and every such receiver, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Receiver where triable.

LXXX. WHOSOEVER shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted, or disposed of, may, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, be dealt with, indicted, tried, and punished in any parish or precinct in which he shall have, or shall have had any such property in his possession, or in any parish or precinct in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished in the parish or precinct where he actually received such property.

LXXXI. WHERE the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property knowing the same to be unlawfully come by, shall, on conviction thereof before a Justice of the Peace, be liable for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence of stealing or taking such property is by this Act made liable.

Receiving
where the steal-
ing is punish-
able on summary
conviction.

LXXXII. IN case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

Principals in
second degree,
and accessories.

LXXXIII. WHOSOEVER shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

Persons aiding
and abetting.

AS TO RESTITUTION AND RECOVERY OF STOLEN PROPERTY.

Stolen property to be returned to owner on conviction of party stealing same.

Provision as to negotiable securities.

Section not to apply to prosecution of trustees, &c.

Corruptly taking reward for helping to recovery of stolen property.

LXXXIV. If any person guilty of any such felony or misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and, in every case in this section aforesaid, the Court before whom any person shall be tried for any such felony or misdemeanor shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided, that if it shall appear before any award or order made that any valuable security shall have been *bonâ fide* paid or discharged by some person or Body Corporate liable to the payment thereof, or, being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery by some person or Body Corporate for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had, by any felony or misdemeanor, been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the Court shall not award or order the restitution of such security: Provided also, that nothing in this section contained shall apply to the case of any prosecution of any Trustee, Banker, Merchant, Attorney, Factor, Broker, or other Agent entrusted with the possession of goods, or documents of title to goods, for any misdemeanor against this Act.

LXXXV. WHOSOEVER shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any

felony or misdemeanor have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of as in this Act before-mentioned, shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

LXXXVI. WHOSOEVER shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall, in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing, or making any enquiry after, the person producing such property, or shall promise or offer in any such public advertisement to return to any Pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost the money so paid or advanced, or any other sum of money or reward, for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of fifty pounds for every such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Advertising
reward for
return of
stolen pro-
perty.

AS TO APPREHENSION OF OFFENDERS, AND OTHER PROCEEDINGS.

LXXXVII. ANY person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended without a warrant by any person, and forthwith taken, together with such property, if any, before some neighbouring Justice of the Peace, to be dealt with according

Apprehen-
sion without
warrant.

Search war-
rant.

to law; and if any credible witness shall prove, upon oath, before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession, or on his premises, any property whatsoever on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, shall have been committed, the Justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend, and forthwith to take before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law.

Apprehen-
sion of sus-
pected per-
sons.

LXXXVIII. ANY Constable or Peace Officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this Act, and shall take such person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to law.

Persons
charged with
offences
punishable
summarily.

LXXXIX. WHERE any person shall be charged, on the oath of a credible witness, before any Justice of the Peace, with any offence punishable on summary conviction under this Act, the Justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before him-

self or some other Justice of the Peace; or the Justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant; and the Justice before whom the person charged shall appear, or be brought, shall proceed to hear and determine the case.

X.C. EVERY sum of money which shall be forfeited on any summary conviction for the value of any property stolen or taken, or for the amount of any injury done (such value or amount to be assessed in each case by the convicting Justice) shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any Justice of the Peace, whether in addition to such value or amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before Justices of the Peace are to be paid and applied in cases where the Statute imposing the same contains no direction for the payment thereof to any person: Provided, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a Justice of the Peace, as hereinbefore directed to be applied.

Application
of forfeitures
and penalties
on summary
conviction.

XCI. In every case of summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the Justice, shall not be paid either immediately after conviction, or within such period as the Justices shall, at the time of the

Enforce-
ment of pay-
ment.

conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol, or district prison, or the general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two months, where the amount of the sum forfeited, or the penalty imposed, or both (as the case may be), together with the costs, shall not exceed three pounds, and for any term not exceeding four months, where the amount, with costs, shall not exceed six pounds; and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Discharge upon
satisfaction
made.

XCII. WHERE any person shall be summarily convicted before a Justice of the Peace of any offence against this Act, and it shall be a first conviction, the Justice may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Justice.

Conviction bar
to all further
proceedings.

XCIII. IN case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any Justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Appeal.

XCIV. NOTHING herein contained shall be construed to deprive any person who may think himself aggrieved by any summary conviction under this Act of the right of appeal to which he would be now entitled under the Twenty-first Vic-

toria, chapter twenty-second, or any any other Act which gives or authorizes a right of appeal in any such case.

XCV. No such conviction, or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by *certiorari* into the Supreme Court, and no warrant of commitment shall be held void by reason of any defect therein; provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Conviction not to be quashed for want of form.

XCVI. ALL actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the parish or precinct where the fact was committed, and shall be commenced, within six months after the fact committed, and not otherwise; and notice, in writing, of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and, in any such action, the defendant may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and, if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action.

Actions against persons acting under Act.

AS TO OTHER MATTERS.

XCVII. ALL indictable offences mentioned in this Act

Offences

committed
within juris-
diction of Vice
Admiralty.

which shall be committed within the jurisdiction of the Vice-Admiralty of this Island shall be deemed to be offences of the same nature, and liable to same punishments, as if they had been committed upon land within this Island, and may be dealt with, enquired of, tried, and determined in any parish or precinct in which the offender shall be apprehended, or be in custody; and, in any indictment for any such offence, or for being an accessory to any such offence, the venue in the margin shall be the same as if the offence had been committed in such parish or precinct, and the offence itself shall be averred to have been committed "on the high seas:" Provided, that if any person shall be tried and convicted before any Court in this Island for any offence under the authority of this section, such person shall be liable to, and shall suffer such punishment, or forfeiture, or penalty, as he would be subject to in case such offence had been committed, and was enquired of, tried, and determined in England, any thing in this Act to the contrary notwithstanding: And provided, that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval force.

Proviso.

Indictment for
offence after
previous con-
viction.

XCVIII.* IN any indictment for any offence punishable under this Act, and committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was, at a certain time and place, or at certain times and places, convicted of felony, or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction (as the case may be), without otherwise describing the previous felony, misdemeanor, offence or offences; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, or a copy of any such summary conviction purporting to be signed by the Clerk of the Circuit

* By Section 7 of Law 26 of 1873 made applicable to proceedings under that Law.

Court, or other Officer, or the Deputy of such other Officer, having the custody of the records of the Court where the offender was first convicted, or to which such summary conviction shall have been returned, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows; (that is to say) the offender shall, in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead "not guilty," or if the Court order a plea of not guilty to be entered on his behalf, the jury shall be charged in the first instance to inquire concerning such subsequent offence only; and if they find him guilty, or if, on arraignment, he plead guilty, he shall then and not before, be asked whether he had been previously convicted as alleged in the indictment; and if he answer that he had been so previously convicted, the Court may proceed to sentence him accordingly; but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions; and, in such case, it shall not be necessary to swear the jury again, but the oath already taken by them shall, for all purposes, be deemed to extend to such last-mentioned inquiry: Provided, that if, upon the trial of any person for any such subsequent offence, such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned; and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

Procedure
upon such
indictment.

Fine; sureties
for good
behaviour.

XCIX. WHENEVER any person shall be convicted of any indictable misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorised, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either for keeping the peace and being of good behaviour; and, in case of any felony punishable under this Act, the Court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized: Provided, that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Place of im-
prisonment.

C. WHENEVER imprisonment, with or without hard labour, may be awarded for any indictable offence under this law, the Court may sentence the offender to be imprisoned in the common gaol, or to be imprisoned and kept to hard labour in the general penitentiary, or nearest district prison.

Solitary con-
finement.

CI. WHENEVER solitary confinement may be awarded for any indictable offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

Costs of pro-
secution.

CII. THE Court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

Place
of imprison-
ment in cases
at Petty Ses-
sions.

CIII. WHENEVER, upon any summary conviction, sentence of imprisonment without hard labour shall be awarded, the Justice or Justices may lawfully commit the offender, if to them

it shall seem fittest, to the county gaol, or to the nearest district prison ; and, when hard labor shall form part of any such sentence of imprisonment, the offender shall be committed to the nearest district prison : Provided, that the several Justices of the Peace for the Parishes of Kingston, Saint Andrew, and Port Royal, and the several Justices of the Peace for the precinct of Saint Catherine, shall be authorized and empowered to convict and sentence offenders upon summary convictions as by law they may now do.

CIV. [Repealing section.]

CHAPTER XXXIV.

AN ACT to consolidate and amend the Statute Law relating to Malicious Injuries to Property.

WHEREAS it is necessary to consolidate and amend the Statute Law relating to malicious injuries to property : Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

INJURIES BY FIRE TO BUILDINGS, AND GOODS THEREIN.

I. WHOSOEVER shall unlawfully and maliciously set fire to any Church, Chapel, Meeting-house, or other place of Divine Worship, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

II. WHOSOEVER shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude

Church or
Chapel.

Dwelling
house person
being there-
in.

for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

House, out-house, &c.

III. WHOSOEVER shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, store-house, granary, hovel, shed, or fold, or to any plantation, pen, or settlement, or to any sugar works, or works on any coffee plantation, or to any building, or to any trash house on any sugar estate, or to any erection used for the purpose of manufacturing, or preparing, or for preserving when manufactured and prepared, any of the products of such plantation, pen, settlement, or sugar estate, or in carrying on any trade or manufacture, or any branch thereof, whether the same shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Building belonging to railway, port or harbour.

IV. WHOSOEVER shall unlawfully and maliciously set fire to any station, engine-house, ware-house, or other building, or to any bridge belonging or appertaining to any railway, tramway, port, or harbour, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Other buildings of a public character

V. WHOSOEVER shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned, belonging to the Queen, or to any country, city, parish, or place, or devoted or dedicated to public use or ornament,

or erected or maintained by public subscription or contribution, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

VI. WHOSOEVER shall unlawfully and maliciously set fire to any matter or thing being in, against, or under any building, under such circumstances that if the building were thereby set fire to the offence would amount to felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Thing in or
under building.

VII. WHOSOEVER shall unlawfully and maliciously set fire to any building other than such as are in this Act mentioned shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Other build-
ings than
those already
mentioned.

VIII. WHOSOEVER shall unlawfully and maliciously, by any overt act, attempt to set fire to any building, or any matter or thing, in the last preceding section mentioned, under such circumstances that, if the same were set fire to the offender would be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any period not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Attempting
to set fire
to building in
last section.

INJURIES BY EXPLOSIVE SUBSTANCES TO BUILDINGS AND GOODS THEREIN.

Destroying
house by ex-
plosion of
gunpowder,
person being
therein.

IX. WHOSOEVER shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole, or any part of any dwelling house, any person being therein, or of any building, whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Attempting
to destroy
building by
explosion of
gunpowder

X. WHOSOEVER shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any damage be caused, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

INJURIES TO BUILDINGS BY RIOTERS, &C.

Demolishing
of buildings
by rioters.

XI. If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, or pull down, or destroy, or begin to demolish, or pull down, or destroy any Church Chapel, Meeting-house, or other place of Divine Worship, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, or any building other

than such as are in this section before mentioned belonging to the Queen, or to any county, city, parish, or place, or devoted or dedicated to any public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam-engine, or cattle-mill, water-mill, or other engine or mill for the purposes of manufacture, or for making sugar, or for preparing coffee or other produce, or any* building or erection used in conducting the business of such manufacture, or for the preparing of such produce, or any bridge, waggon, wain, truck for conveying any manufacture whatever from the place where it was prepared, every offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

XII. If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force injure or damage any such Church, Chapel, Meeting-house, place of Divine Worship, house, stable, coach-house, out-house, warehouse, office, shop, mill, building, erection, machinery, engine, bridge, waggon, wain, or truck as in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor: Provided, that if, upon the trial of any person for any felony in the last preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence

Injury to
buildings by
rioters.

* "or any," not in Original.

in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

INJURIES TO BUILDINGS BY TENANTS.

XIII. WHOSOEVER, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years, or other less term, or at will, or held over after the termination of any tenancy, shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish, the same, or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, shall be guilty of a misdemeanor.

INJURIES TO MANUFACTURES, MACHINERY, &c.

XIV. WHOSOEVER shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any goods or articles of manufacture, whilst in any stage, process, or progress of manufacture, or shall by force enter into any house, shop, store, building, or place, with intent to commit any of the offences in this section mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

XV. WHOSOEVER shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any machine or engine, whether fixed or moveable, used or intended to be used for mowing, ploughing, or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever, shall be guilty of felony,

and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

INJURIES TO CORN, TREES, AND VEGETABLE PRODUCTIONS.

XVI. WHOSOEVER shall unlawfully and maliciously set fire to any corn-piece, grass-piece, pimento-walk, coffee-piece, or pasture, or plantation, or to* any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, wheresoever the same may be growing, shall be guilty of felony, and, being convicted thereof, shall be liable to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Setting fire to
corn piece, &c.

XVII. WHOSOEVER shall unlawfully and maliciously set fire to any stack of grain, straw, or of any cultivated vegetable produce, or of coals, charcoal, wood, or bark, shall be guilty of felony, and, being convicted thereof, shall be liable at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Setting fire to
stack of grain,
&c.

XVIII. WHOSOEVER shall unlawfully and maliciously, by any overt act, attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to the offender would be under either of such sections guilty of felony, shall be guilty of felony, and, being con-

Attempting to
set fire to
anything in
last two sec-
tions.

* "of" in Original.

victed thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Destroying
or damaging
trees in gar-
den, &c.

XIX. WHOSOEVER shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood growing in any pleasure-ground, garden, or orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of one pound,) shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Elsewhere
than in gar-
den, &c.

XX. WHOSOEVER shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy, or damage the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any pleasure-ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of injury done shall exceed five pounds,) shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Destroying or
damaging trees]
where the
injury done
amounts to 1s.

XXI. WHOSOEVER shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing, the injury done being to the amount of one shilling at the least, shall, on con-

viction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or district prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding one month, or else forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding three pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall, for such second offence, Second offence. be committed to the common gaol or district prison, there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the said offences in this section before-mentioned shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement. Third offence.

XXII. WHOSOEVER shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit or vegetable production growing in any garden, orchard, or nursery-ground, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol, or district prison, or the general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding six pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such offence, either Destroying or damaging plants in garden, &c. Second offence.

against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Injury to cultivated roots or plants.

XXIII. WHOSOEVER shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of men or beast, or for medicine, or for distillery, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, or nursery-ground, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or district prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty shillings, as to the Justice shall seem meet; and, in default of payment thereof, together with the costs if ordered, shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or district prison, there to be kept to hard labor for such term not exceeding six months, as the convicting Justice shall think fit.

Second offence.

INJURIES TO FENCES.

XXIV. WHOSOEVER shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any

part thereof respectively, shall, on conviction thereof before a Justice of the Peace, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding five pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or district prison there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit.

INJURIES TO PONDS, &c.

XXV. WHOSOEVER shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, flood-gate, or sluice of any fishpond, or of any water which shall be private property, with intent to take or destroy any of the fish in such pond or water, so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material into any such pond or water, with intent thereby to destroy any of the fish therein, or shall unlawfully and maliciously break down, or otherwise destroy the dam or flood-gate of any well or pond, or any gutter or pipe for the conveyance of water, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, nor less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

INJURIES TO BRIDGES, VIADUCTS, AND TOLL-BARS.

XXVI. WHOSOEVER shall unlawfully and maliciously pull or throw down, or in anywise destroy any bridge, whether over any stream of water or not, or any viaduct, or aqueduct, over or under which bridge, viaduct, or aqueduct, any high-

way, railway, tramway, or canal shall pass, or do an injury, with intent and so as to thereby render such bridge, viaduct, or aqueduct, or the highway, railway, tramway, or canal passing over or under the same, or any part thereof, dangerous or impassable, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

XXVII. WHOSOEVER shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any turnpike-gate or toll-bar, or any wall, chain, rail, post, bar, or other fence belonging to any turnpike-gate or toll-bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act relating thereto, or any house, building, or weighing-engine erected for the better collection, ascertainment or security of any such toll, shall be guilty of a misdemeanor.

INJURIES TO RAILWAY OR TRAMWAY CARRIAGES AND TELEGRAPHS.

Placing wood
on railway to
obstruct
engine, &c.

XXVIII. WHOSOEVER shall unlawfully and maliciously put, place, cast, or throw upon or across any railway or tramway, any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway or tramway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway or tramway, or shall unlawfully and maliciously make or show, hide or remove any signal or light upon or near to any railway or tramway, or shall unlawfully and maliciously do or cause to be done any other matter or thing with intent in any of the cases aforesaid to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway or tramway, shall be guilty of

felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

XXIX. WHOSOEVER, by any unlawful act, or by any wilful omission or neglect, shall obstruct, or cause to be obstructed, any engine or carriage using any railway or tramway, or any traction engine or waggon using any ordinary public road, or shall aid or assist therein, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor.

Obstructing
carriage on
railway, &c.

XXX. WHOSOEVER shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of, or being used or employed in or about, any electric or magnetic telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance, or delivery, of any communication by any such telegraph, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor : Provided, that if it shall appear to any Justice, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the Justice may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the Justice, either be committed to the common gaol or district prison, or the general penitentiary, to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding three months, or else shall forfeit and pay such

Destroying
electric tele-
graph, &c.

sum of money, not exceeding ten pounds, as to the Justice shall seem meet.

INJURIES TO CATTLE AND OTHER ANIMALS.

Killing or
wounding
cattle.

XXXI. WHOSOEVER shall unlawfully and maliciously kill maim, or wound any cattle, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Animals other
than cattle.

XXXII. WHOSOEVER shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement or for any domestic purpose, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or district prison, or the general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding six months; or else shall forfeit and pay, over and above the amount of the injury done, such sum, not exceeding twelve pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such offence, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or district prison, there to be kept to hard labor for such term, not exceeding twelve months, as the convicting Justice shall think fit.

Setting fire
to ship, &c.

XXXIII. WHOSOEVER shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal ser-

itude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

XXXIV. WHOSOEVER shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner, or part owner, of such ship or vessel, or of any goods on board the same, or any person that has underwritten, or shall underwrite, any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Setting fire to ship, to prejudice owner, or underwriter, &c.

XXXV. WHOSOEVER shall unlawfully and maliciously, by any overt act, attempt to set fire to, cast away, or destroy any ship or vessel under such circumstances that if the ship or vessel were thereby set fire to, cast away, or destroyed the offender would be guilty of felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Attempting to set fire to ship, &c.

XXXVI. WHOSOEVER shall unlawfully or maliciously place or throw in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods or chattels, shall, whether or not any explosion take place, and whether or not any injury be effected, be guilty of felony, and, being convicted thereof

Placing gunpowder near ship with intent to damage, &c.

shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Damaging
ship other-
wise than by
fire, &c.

XXXVII. WHOSOEVER shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Exhibiting
false signals.

XXXVIII. WHOSOEVER shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel, or boat into danger, or shall unlawfully or maliciously do any thing tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Removing
buoys, &c.

XXXIX. WHOSOEVER shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink and destroy, or shall unlawfully and maliciously do any act, with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy-rope, perch, pile, or mark used or intended for the guidance of seamen, or the purpose of navigation, shall be guilty of felony, and, being

convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor and with or without solitary confinement.

XL. WHOSOEVER shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Destroying wrecks, &c.

SENDING LETTERS THREATENING TO BURN OR DESTROY.

XLI. WHOSOEVER shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter, or writing, threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay, or straw, or agricultural produce in or under any building, or any ship or vessel, or to kill, maim, or wound any chattel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Injury to property to amount exceeding £5.

INJURIES NOT BEFORE PROVIDED FOR.

XLII. WHOSOEVER shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, the

Injury to property for which no punishment yet provided.

damage, injury, or spoil being to an amount exceeding five pounds, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor; and, in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the next morning, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding five years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labor.

Injury to
property for
which no
punishment
yet provided.

XLIII. WHOSOEVER shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or district prison, or general penitentiary, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding two months, or else shall forfeit and pay such sum of money, not exceeding five pounds, as to the Justice shall seem meet, and also such further sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of five pounds; which last-mentioned sum shall, in the case of private property, be paid to the party aggrieved, and, in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a Justice of the Peace under this Act; and if such sums of money, together with the costs (if ordered) shall not be paid either immediately after the conviction, or within such period as the Justice shall, at the time of the conviction, appoint, the Justice may commit the offender to the common gaol or district prison, there to be imprisoned only, or to be imprisoned and

kept to hard labour, as the Justice shall think fit, for any term not exceeding two months, unless such sum and costs be sooner paid: Provided, that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed.

XLIV. THE provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.

Preceding
section to ex-
tend to trees.

OTHER MATTERS.

XLV. IN the case of every felony punishable under this Act every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

Principals in
second degree
and accessories.

XLVI. ANY Constable or Peace Officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this Act, and shall take such person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to law.

Apprehension
without
warrant.

Malice against owner.

XLVII. EVERY punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Act to extend to offender in possession of property injured.

XLVIII. EVERY provision of this Act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in the possession of the property against or in respect of which such act shall be done.

Indictments for offences under Act.

XLIX. It shall be sufficient, in any indictment for any offence against this Act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be), without alleging an intent to injure or defraud any particular person; and, on the trial of any such offence, it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud (as the case may be).

Offenders may be apprehended without warrant.

L. ANY person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any Peace Officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighboring Justice of the Peace, to be dealt with according to law.

Mode of compelling appearance of parties charged with

LI. WHERE any person shall be charged, on the oath of a credible witness, before any Justice of the Peace with any offence punishable on summary conviction under this Act, the

Justice may summon the person charged to appear at a time and place to be named in such summons; and, if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode), the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace; or the Justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant, and the Justice before whom the person charged shall appear, or be brought, shall proceed to hear and determine the case.

offences under
Act.

LII. WHOSOEVER shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender, is by this Act made liable.

Abettors in
offences punish-
able on sum-
mary conviction.

LIII. EVERY sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting Justice, and shall be paid to the party aggrieved, except where he is unknown; and, in that case, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any Justice of the Peace, whether in addition to such amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before Justices of the Peace are to be paid and applied in cases where the statute imposing the

Application of
forfeitures and
penalties upon
summary con-
viction.

same contains no directions for the payment thereof to any person: Provided, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of injury done, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a Justice of the Peace is hereinbefore directed to be applied.

**Enforcement
of penalties, &c.**

LIV. IN every case of a summary conviction under this Act where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Justice, shall not be paid either immediately after the conviction or within such period as the Justice shall at the time of the conviction appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol, or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of the Justice for any term not exceeding two months; where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds; and for any term not exceeding four months, where the amount, with costs, shall not exceed ten pounds; and for any term not exceeding six months in any other case, the commitment to be determinable, in each of the cases aforesaid, upon payment of the amount and cost.

**Justice may
discharge
offender in
certain cases.**

LV. WHERE any person shall be summarily convicted before a Justice of the Peace of any offence against this Act, and it shall be a first conviction, the Justice may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Justice.

LVI. WHEN any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or, shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instant, or shall have been so discharged from his conviction by any Justice as aforesaid, he shall be released from all further or other proceedings for the same cause.

Conviction
bar to further
proceedings.

LVII. IN all cases upon any summary conviction under this Act any person who shall think himself aggrieved by any such conviction may appeal.

Appeal.

LVIII. No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* into the Supreme Court, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

No conviction to be
quashed for
want of form.

LIX. ALL actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the parish or precinct where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notice in writing, of such action, and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of

Actions
against persons acting
under Act

the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in any other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action.

Offences
committed
within juris-
diction of
Vice-Admi-
ralty.

LX. ALL indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Court of Vice-Admiralty of this Island shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon land in Jamaica, and may be dealt with, enquired of, tried, and determined in any parish or precinct of this Island in which the offender shall be apprehended, or be in custody, in the same manner in all respects as if they had been committed in that parish or precinct; and in any indictment for any such offence, or for being accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such parish or precinct, and the offence shall be averred to have been committed on the "high seas:" Provided, that if any person shall be tried and convicted before any Court in this Island for any offence under the authority of this section, or for any indictable offence under the authority of the fifty-seventh section of an Act, entitled, "An Act to consolidate and amend the law relating to offences against the person," passed during the present Session, such person shall be liable to and shall suffer such punishment, or forfeiture, or penalty as he would be subject to in case such offence had been committed, and was enquired of, and tried, and determined in England, anything in this Act, or in the above recited Act

passed as aforesaid, to the contrary notwithstanding: And provided, that nothing herein contained shall alter or affect any of the laws relating to the Government of her Majesty's land and naval forces.

LXI. WHENEVER any person shall be convicted of any indictable misdemeanor punishable under this Act, the Court may, if it think fit, in addition to, or in lieu of any of the punishments authorized by this Act, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace in addition to any punishment by this Act authorized: Provided, that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Fines ; sureties to keep the peace.

LXII. WHENEVER, upon any summary conviction under this Act by a Justice or Justices of the Peace, such Justice or Justices shall award a sentence of imprisonment without hard labor, the imprisonment of the person so convicted may be either in the common gaol of the county where the offence was committed, or in the nearest district prison; and, whenever any sentence of imprisonment with hard labor shall be awarded by such Justice or Justices, such imprisonment shall be in the nearest district prison: Provided, that it shall be lawful for the several Justices of the Peace for the Parishes of Kingston, Saint Andrew, and Port Royal, and for the several Magistrates and Justices of the precinct of Saint Catherine, to commit and sentence any offender under this Act, being a male, to the general penitentiary, and any such offender, being a female, to the female penitentiary, as by law they are now authorized and empowered to do.

Place of imprisonment.

LXIII. WHENEVER solitary confinement may be awarded for any indictable offence under this Act, the Court may

Solitary confinement.

direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labor, not exceeding one month at any one time, and not exceeding three months in any one year.

Costs of prosecution.

LXIV. THE Court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms, and in the same manner in all respects, as in cases of felony.

Prerogative of mercy.

LXV. THAT it shall be lawful for the Queen's representative in this Island to extend the royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for non-payment of money to some person other than the Crown.

LXVI. [Repealing section.]

CHAPTER XXXVII.

AN ACT to make further provision for repairing Public and Parochial Buildings, and for commencing repairs of certain Streets in Kingston.*

ACTS OF 27 VICTORIA, SESSION 2.

CHAPTER III.

AN ACT to facilitate the Administration of Justice in the Court of Chancery.†

* Omitted as all but spent.

† Repealed by Section 2 of Law 25 of 1879.

CHAPTER IV.

AN ACT for the incorporation and regulation of Trading Companies, and other Associations.*

WHEREAS it is expedient to make provision for the incorporation and regulation of Trading Companies and other Associations: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. ANY seven or more persons, associated for any lawful purpose, may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an Incorporated Company, with or without limited liability.

Formation of Company.

II. THE liability of the members of a Company formed under this Act may, according to the memorandum of Association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Limitation of liability.

III. WHERE a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of the association shall contain the following things (that is to say):—

Memorandum of association of Company limited by shares.

(1.) The name of the proposed Company with the addition of the word “limited” as the last word in such name.

(2.) The part of the Island in which the office of the Company is proposed to be situate.

* As to mode of proving the incorporation of any Company under this Act, sec. 2 of Law 23 of 1866.

(3.) The objects for which the proposed Company is to be established.

(4.) A declaration that the liability of the members is limited.

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount.

subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum
of association
of a Company
limited by
guarantee.

IV. WHERE a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by guarantee, the memorandum of association shall contain the following things (that is to say) :—

(1.) The name of the proposed Company with the addition of the word “limited” as the last word in such name.

(2.) The part of the Island in which the office of the Company is proposed to be situate.

(3.) The objects for which the proposed Company is to be established.

(4.) A declaration that each member undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a member, or within one year afterwards; for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges, and expenses of winding up the Company;

and, for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

V. WHERE a Company is formed on the principal of having no limit placed on the liability of its members, hereinafter referred to as an unlimited Company, the memorandum of association shall contain the following things (that is to say) :—

Memorandum of association of unlimited Company.

- (1.) The name of the proposed Company.
- (2.) The part of the Island in which the office of the Company is proposed to be situate.
- (3.) The objects for which the proposed Company is to be established.

VI. THE memorandum of association shall be signed by each subscriber in the presence of and be attested by one witness at the least. It shall bind the Company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the memorandum contained on the part of himself, his heirs, executors, and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Signature, and effect of such.

VII. ANY Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares; but, save as aforesaid, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power to alter.

VIII. THE memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Com-

Articles of association.

pany limited by guarantee, or unlimited, be accompanied, when registered, by articles of association, signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient.

Signature and
effect of articles
of association.

IX. THE articles of association shall be signed by each subscriber in the presence of and be attested by one witness at the least. They shall bind the Company, and the members thereof, to the same extent as if each member had subscribed his name, and affixed his seal thereto, and there were in such articles contained a covenant, on the part of himself, his heirs, executors, administrators, to conform to all the regulations contained in such articles, subject to the provisions of this Act; and all monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

Recording.

X. THE memorandum of association, and the articles of association, if any, shall be recorded in the office of the Island Secretary.

Effect of recording.

XI. UPON the recording of the memorandum of association and of the articles of association, in cases where articles of association are required by this Act, the subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company shall thereupon be a Body Corporate, by the name contained in the memorandum of association, capable of exercising all the functions of an Incorporated Company, having perpetual succession, and a common seal, with power to hold lands. A certificate given by the Island Secretary that all the requisitions of this Act in respect to registration have been complied with shall be conclusive evidence thereof.

XII. No Company shall be recorded under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive.

No two Companies to have same name.

XIII. THE shares or other interest of any member in a Company under this Act shall be personal estate, capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Shares to be personal estate.

XIV. THE subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed; and, upon the registration of the Company, shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Who to be considered members.

XV. ANY transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

XVI. EVERY Company under this Act shall cause to be kept, in one or more books, a register of its members, and there shall be entered therein the following particulars:—

Register of members.

- (1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share —

by its number, and of the amount paid, or agreed to be considered as paid, on the shares of each member.

- (2.) The date at which the name of any person was entered in the register as a member.
- (3.) The date at which the name* of any person ceased to be a member ;

And any Company acting in contravention of this section shall incur a penalty not exceeding five pounds for every day during which its default in complying with the provisions of this section continues; and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

Annual list
of members.

XVII. EVERY Company under this Act having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year, the first of such ordinary general meetings, is held, are members of the Company; and such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain therein a summary, specifying the following particulars :—

- (1.) The amount of the capital of the Company, and the number of shares into which it is divided.
- (2.) The number of shares taken from the commencement of the Company up to the date of the summary.
- (3.) The amount of calls made on each share.
- (4.) The total amount of calls received.
- (5.) The total amount of calls unpaid.
- (6.) The total amount of shares forfeited.

* "the name" not in Original.

- (7.) The names, addresses and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section; and a copy shall forthwith be recorded in the office of the Island Secretary.

XVIII. IF any Company under this Act, having a capital divided into shares, makes default in complying with the provisions of this Act with respect to recording such list of members or summary as is hereinbefore-mentioned within one month, such Company shall incur a penalty not exceeding five pounds for every day during which default continues; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

XIX. A certificate, under the common seal of the Company, specifying any share or shares of stock held by any member of a Company, shall be *prima facie* evidence of the title of the member to the share or shares or stock therein specified.

XX. THE register of members, commencing from the date of the registration of the Company, shall be kept at the office of the Company hereinafter mentioned, except when closed as hereinafter mentioned. It shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day of one day in every week be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one shilling, or such less sum as the Company may prescribe for each inspection. If such inspection is refused, the Company shall in-

cur, for each refusal, a penalty not exceeding two pounds, and a further penalty not exceeding two pounds, for every day during which such refusal continues; and every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty.

Power to
close register
for limited
time.

XXI. ANY Company under this Act may, upon giving notice by advertisement in some newspaper published within this Island, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Increase of
capital or
members to
be recorded.

XXII. WHERE a Company has a capital divided into shares any increase in such capital beyond the registered capital, and where a Company has not a capital divided into shares, any increase in the number of members beyond the registered number, shall be recorded in the office of the Island Secretary; in the case of an increase of capital, within thirty days from the date of the passing of the resolutions by which such increase has been authorized; and, in the case of an increase of members, within thirty days from the time at which such increase of members has been resolved on, or has taken place. If such increase is not recorded within the period aforesaid, the Company in default shall incur a penalty not exceeding five pounds for every day during which such neglect continues; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Remedy for
improper en-
try or omis-
sion of entry
in register.

XXIII. IF the name of any person is, without sufficient cause, entered in, or omitted from the register of members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by motion in the Supreme Court, apply for an order of the Court that the register may be rectified; and the Court may either refuse such

application, with or without costs, to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such motion, application, or petition, and any damages the party aggrieved may have sustained. The Court may, in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register.

XXIV. WHENEVER any order has been made rectifying the register, the Court may, by its order, direct that such rectification be recorded in the office of the Island Secretary. Order rectifying register to be recorded

XXV. THE register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein. Evidence.

XXVI. IN the event of a Company formed under this Act being wound up or dissolved, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges, and expenses of the winding up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following (that is to say) :— Liability of members of Company, in case of dissolution.

(1.) No past member shall be liable to contribute to the assets of the Company, if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up.

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member.

(3.) No past member shall be liable to contribute to the assets of the Company unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act.

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member.

(5.) In the case of a Company limited by guarantee no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association.

(6.) Nothing in this Act shall invalidate any provision contained in any policy of insurance, or other contract, whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract.

(7.) No sum due to any member of a Company, in his character of a member, by way of dividends, profits, or otherwise, shall be deemed to be a debt of the Company payable to such member, in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

**Company to
have office.**

XXVII. EVERY Company under this Act shall have an office to which all communications and notices may be addressed. If any Company under this Act carries on business without

having such an office, it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

XXVIII. NOTICE of the situation of such office, and of any change therein, shall be given in some newspaper published in this Island. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having an office.

Notice of
situation of
such office.

XXIX. EVERY Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible; and shall have its name engraven in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such Company; and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such Company; and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Publication
of name by Li-
imited Company.

XXX. If any Limited Company under this Act does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a penalty not exceeding one pound for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty; and if any Director, Manager, or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal, purporting to be a seal of the Company, whereon its name is not so engraven as aforesaid; or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company,

Penalties for
non-publica-
tion of name.

or signs, or authorizes to be signed, on behalf of such Company, any bill of exchange, promissory note, endorsement, cheque, order for money, or goods; or issues, or authorizes to be issued, any bill of parcels, invoice, receipt, or letter of credit of the Company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof, unless the same is duly paid by the Company.

Register of
mortgages.

XXXI. EVERY Limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register, in respect of each mortgaged or charge, a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding fifty pounds. The register or mortgages required by this section shall be open to inspection by any creditor or member of the Company at all reasonable times; and, if such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding five pounds, and a further penalty not exceeding two pounds for every day during which such refusal continues.

Certain Com-
panies to make
periodical
statement.

XXXII. EVERY Limited Banking Company, and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act, shall, before it commences business, and also on the first Monday in February, and the first Monday in

August, in every year during which it carries on business, make a statement in the form marked A in the Schedule hereto, or as near thereto as circumstances will admit; and a copy of such statement shall be put up in a conspicuous place in the office of the Company, and in every branch, office or place where the business of the Company is carried on; and if default is made in compliance with the provisions of this section, the Company shall be liable to a penalty not exceeding five pounds for every day during which such default continues; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

XXXIII. EVERY Company under this Act and not having a capital divided into shares shall keep at its office a register containing the names and addresses and the occupations of its Directors or Managers.

Register of
names, &c.
of Directors.

XXXIV. If any Company under this Act, and not having a capital divided into shares, makes default in keeping a register of its Directors or Managers, such delinquent Company shall incur a penalty not exceeding one pound for every day during which such default continues; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty for
not keeping
register of
Directors.

XXXV. A promissory note, or bill of exchange, shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company by any person acting under the authority of the Company.

Bills and notes.

XXXVI. If any Company under this Act carries on business, when the number of its members is less than seven, for

Prohibition
against carry-
ing on busi-

ness with less
than seven
members.

a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debts of the Company contracted during such time, and may be sued for the same without the joinder in the action or suit of any other member.

General
meeting.

XXXVII. A general meeting of every Company under this Act shall be held once at the least in every year.

Power to al-
ter regulations
by special
resolutions.

XXXVIII. SUBJECT to the provisions of this Act, and to the conditions contained in the memorandum of Association, any Company formed under this Act may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the articles of Association, or make new regulations to the exclusion of, or in addition to, all or any of the regulations of the Company; and any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the articles of Association, and shall be subject in like manner to be altered or modified by any subsequent special resolution,

Definition of
special resolu-
tion.

XXXIX. A resolution passed by a Company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any general meeting of which notice, specifying the intention to propose such resolution, has been duly given, and such resolution has been confirmed by a majority of such members for

the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the Chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against the same. Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

XL. In default of any regulations as to voting, every member shall have one vote; and, in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice, in writing has been served on every member; and, in default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same; and, in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Provision as
to voting and
meeting.

XLI. A copy of any special resolution that is passed by any Company under this Act shall be recorded in the office of the Island Secretary. If such copy is not so recorded within thirty days from the confirmation of the resolution, the Company shall incur a penalty not exceeding two pounds for every day after the expiration of such thirty days during

Recording of
special reso-
lutions, &c.

which such copy is omitted to be recorded; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of
special reso-
lutions.

XLII. WHERE articles of Association have been recorded, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the articles of Association that may be issued after the passing of such resolution; and if any Company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding one pound for each copy in respect of which such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of
deeds abroad.

XLIII. ANY Company under this Act may, by instrument in writing under its common seal, empower any person, either generally, or in respect of any specified matter, as its attorney to execute deeds on its behalf in any place out of this Island; and every deed signed by such attorney on behalf of the Company, and under his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Service on
Company.

XLIV. ANY summons, notice, order, or other document required to be served upon the Company may be served by leaving the same, or sending it through the post in a prepaid letter addressed to the Company, at their office.

Service by post.

XLV. ANY document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and, in proving service of such document, it shall be sufficient to prove that such document was properly directed, and put as a prepaid letter into the Post Office.

XLVI. ANY summons, notice, order, or proceeding requiring authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or print, or partly in writing, and partly in print.

Authentication
of acts of Com-
pany.

XLVII. ALL penalties and forfeitures imposed by this Act shall be recovered in a summary manner before any two Justices of the parish wherein the offence was committed, and may be proceeded for and recovered or enforced in the like manner, and with the like powers, as are or shall be prescribed or given by the Act of the Thirteenth Victoria, chapter thirty-five, or any other Act now or hereafter to be in force in respect to summary proceedings.

Recovery of
penalties.

XLVIII. THE Justices imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person upon whose information, or at whose suit, such penalty has been recovered; and, subject to such direction, all penalties shall be paid into the Receiver General's Office to the credit of this Island.

Application
thereof.

XLIX. EVERY Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company, and of the Directors or Managers of the Company, in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such resolutions were passed, or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every general meeting of the Company, or meeting of the Directors or Managers, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held

Minutes of
proceedings
to be kept in
book.

and convened ; and all resolutions passed thereat, or proceedings had, to have been duly passed and had ; and all appointments of Directors, Managers, or Liquidators shall be deemed to be valid ; and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Certain Companies to give security for costs.

L. WHERE a Limited Company is plaintiff or pursuer in any action, suit, or other legal proceedings, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that, if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Action by Company against member.

LI. IN any action or suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall not be necessary to set forth the special matter, but it shall be sufficient to allege that the defendant is a member of the Company, and is indebted to the Company in respect of a call made, or other monies due, whereby an action or suit hath accrued to the Company.

FORM A.

The capital of the Company is divided into shares,
of each.

The number of shares issued is Calls to
the amount of pounds per share have been
made, under which the sum of pounds has been
received.

The liabilities of the Company on the first day of
January [or July] were

Debts owing to sundry persons by the Company :—

On judgment, £

On speciality, £

On notes or bills, £

On simple contracts, £

On estimated liabilities, £

The assets of the Company on that day were:—

Government or Island Securities [stating them] £

Bills of Exchange and Promissory Notes, £

Cash, £

Other securities, £

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

CHAPTER V.

AN ACT to allow the introduction of Indian and African Immigrants under Indentures for five years, and in aid of the Laws relating to Immigration.*

CHAPTER VI.

AN ACT to provide Funds for the repairs of the Main and other Roads and Bridges damaged by the floods of May, one thousand eight hundred and sixty-four, and for other purposes.†

CHAPTER VII.

AN ACT to declare the power of raising the Loan under the Act Twenty-seventh Victoria, chapter thirty-seven, vested in the Governor with the advice of the Executive Committee.‡

* Repealed by Sec. 2 of Law 23 of 1879.

† Omitted as all but spent.

‡ Omitted. See Note to Act referred to in title.

CHAPTER VIII.

AN ACT to provide an adequate Salary for the Agent-General of Immigration.*

ACTS OF 28 VICTORIA.

CHAPTER III.

AN ACT to reduce the Annual Payments by Employers of Liberated Africans, and for other purposes.†

CHAPTER IV.

AN ACT to repeal the Twenty-third and Twenty-fourth sections of the Twenty-seventh Victoria, chapter thirty-three, entitled "An Act to consolidate and amend the Statute Laws relating to Larceny and other similar offences," and to re-enact the same, with amendments.‡

CHAPTER V.

AN ACT to amend the Acts Third Victoria, chapter eighteen, and the Fourth Victoria, chapter forty-two, passed for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues.§

* Repealed by Sec. 2 of Law 23 of 1879.

† Repealed by Sec. 2 of Law 23 of 1879.

‡ Repealed by Sec. 2 of Law 6 of 1877.

§ Repealed by Sec. 6 of Law 3 of 1887.

CHAPTER VI.

AN ACT to make better provision for the future Election of Trustees for Manning's Free School in the Parish of Westmoreland.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island :—

I. THAT at any future election of any Freeholder and Trustees for the Free School in the Parish of Westmoreland commonly known as " Manning's Free School," such Trustee shall be elected by such persons as appear by the electoral list of the parish for the then current year to be qualified to vote for the election of members of Assembly for such parish. Election of Trustees.

II. THAT any Freeholder whose title has been duly recorded prior to the passing of this Act shall be competent to vote at any election of any such Trustee upon the production to the Returning Officer at such election of such recorded deed, or a copy thereof, duly certified by the Island Secretary. Freeholders qualified to vote on certain conditions.

III. THAT so much of the second section of the Ninth George the third, chapter four, relating to Manning's Free School, as provides that the five Freeholders to be elected as Trustees shall be elected by the Freeholders of the said parish, is hereby repealed, without prejudice however to the validity of the election of any Freeholder as a Trustee which may have taken place prior to the passing of this Act. Repeal.

CHAPTER X.

AN ACT to raise a supply for the use of the Government of this Island by a Duty on Articles Imported, and to appropriate the same.*

* Sections 5, 7, 13 and 14 being the only unrepealed Sections, repealed by Sec. 241 of Law 18 of 1877.

CHAPTER XIII.

AN ACT to provide for the establishment of a Leper's Home, and the proper care otherwise of Lepers and similarly diseased persons.*

CHAPTER XIV.

AN ACT to provide for the Record and Preservation of the reasons of Judgments of Court.†

CHAPTER XV.

AN ACT to amend the Twenty-seventh Victoria, chapter thirty-three, relating to Larceny and other similar offences.

WHEREAS it is necessary to amend the Twenty-seventh Victoria, chapter thirty-three, relating to larceny and other similar offences: Be it enacted by the Governor, Legislative Council, and Assembly, and it is hereby enacted and ordained by the authority of the same:—

Indictments
where neces-
sary to make
avertment as
to money.

I. THAT in every indictment in which it shall be necessary to make any averment as to any money, or any note of the Treasury of this Island, or any Bank of this Island, it shall be sufficient to describe such money or Treasury or Bank note simply as money, without specifying any particular coin, or Treasury or Bank note; and such allegation so far as regards the descriptions of the property, shall be sustained by proof of any amount of coin, or of any Treasury or Bank note, although the particular species of coin of which such amount was composed, or the particular nature of the Treasury or Bank note, shall not be proved.

* Repealed by Sec. 1 of Law 17 of 1879.

† Repealed by Sec. 2 of Law 25 of 1879.

II. THE term "Trustee" shall, in addition to the persons designated in the first section of the said Act, include Receiver of the Court of Chancery, and other officers of the Courts of Law and Equity of this Island, the guardians of infants, the Provost Marshal and his Deputies, the Collectors of Petty Debts and their Deputies, Bailiffs employed to distrain for rent, and the Treasurers or recipients of property for any public, civil, parochial, or eleemosynary purpose, or for any other person or persons, or association of persons.

Definition of
"Trustee."

CHAPTER XVI.

AN ACT to provide for the appointment of Notaries Public.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island :—

I. THAT the Governor may, by warrant under his hand and seal, from time to time commission and appoint as many fit and proper persons as he may think fit throughout the Island to be Notaries Public, to discharge the duties assigned to such office by the laws of Great Britain and of this Island, or by the practice of commerce.

Appoint-
ment of No-
taries Public.

II. THAT before entering upon the duties of his office, each Notary Public shall, under a dedimus to be issued by the Governor, be sworn well, truthfully, and faithfully to discharge such duties.

Oath to be
taken.

III. THAT before noting any protest, where the circumstances shall appear to the Notary to be suspicious, and not warranting the protest demanded, he shall refuse to act, until, by an order of two Justices in Petty Sessions, the person requiring the protest shall have established a right thereto; and, before applying for such order, notice of the application shall be given to the Notary refusing the protest, and such persons, if any, in the Island, interested in the subject of protest.

Duty in sus-
picious cases.

Refusal of
protest to be
noted.

IV. THAT when a protest or other notarial Act shall be refused, the Notary shall mark on the log-book, bill of exchange, or other document, his refusal to this effect, "protest refused," with his signature and the date of refusal subscribed.

Offences.

V. THAT it shall be a misdemeanor, punishable by fine or imprisonment, with or without hard labor, for a term not exceeding three years, or by both fine and imprisonment as aforesaid, for any Notary or other person falsely to certify, or to propound any statement, document, or thing, or fraudulently, with intent to deceive, to conceal, withhold, or pervert any fact, document, or thing pertinent to the subject of protest or other notarial Act.

Notaries to
be Officers of
Supreme
Court.

VI. THAT Notaries Public shall be deemed to be Officers of the Supreme Court, and liable to the summary jurisdiction thereof; and, on a certificate from the Court of misconduct in office, the Governor shall discharge the offending officer from his said office.

Commission
to be
stamped.

VII. THAT a Stamp Duty, according to the understated scale, shall be impressed on each Commission of Notary Public to be countersigned by the Clerk of the Supreme Court.

SCALE OF STAMPS ON COMMISSIONS OF NOTARY PUBLIC.

For the whole Island	...	Ten Pounds.
For the City of Kingston	...	Six Pounds.
For any other Parish	...	Three pounds.

Adhesive
instead of
impressed
stamps.

VIII. THAT instead of the impressed stamp of four shillings, prescribed by the Stamp Act, a five shillings adhesive stamp, may be substituted, provided it be duly cancelled as by the said Act prescribed.

IX. THAT the fees of Notary Public shall be, exclusive of stamps, as follows :—

For subscribing and sealing a protest	£0 10 6
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For drawing and preparing same, if so required,
at five shillings and sixpence per legal sheet
of seventy-two words to the legal sheet.

For copies of documents therein, at two shil-
lings and six pence per legal sheet.

X. THAT this Act shall not come into operation until her Majesty's assent thereto shall have been proclaimed in this Island. Commence-
ment of Act.

CHAPTER XVII.

AN ACT for the Regulation and Encouragement of Benefit
Building Societies in this Island.

WHEREAS certain Societies, commonly called Building Societies, have been established in different parts of the United Kingdom, to the advantage of the industrious poor and middle classes, and it is expedient to afford encouragement to similar Societies in this Island, and protection to their property: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island:—

I. THAT it shall and may be lawful for any number of persons to form themselves into, and establish Societies in this Island, for the purpose of raising a stock, or fund, or funds, for the purpose of enabling any member of any such Society, subject to the rules thereof, to receive out of the funds of such Society, a sum or sums of money, by way of loan, to be expended in or about the purchasing, erecting or repairing of dwelling houses, and their appurtenances, and other houses, erections, and buildings, or any of them, or the purchasing of land or any real estate, such loans to be secured, with interest thereon, in such manner as shall be required by or under the rules for the time being of such Society; and for the purpose of enabling such Society to purchase freeholds, and

Societies
may be estab-
lished to
be called
" Building
Societies," or
" Benefit
Building So-
cieties."

erect thereon dwelling or other houses, and their appurtenances, to be sold or rented, and to sell or rent the same, or let out the same on terms of lease and sale, or otherwise, to persons willing to become the purchasers or tenants thereof respectively, or for any or either of such purposes; which Societies shall be called "BUILDING SOCIETIES," or "BENEFIT BUILDING SOCIETIES."

Capital to be raised by shares.

II. THAT it shall be lawful for every such Society to raise its capital by shares, not exceeding an estimated ultimate value of fifty pounds each, and to provide for the payment of the amounts payable in respect of such shares by the Shareholders by payments in full, or from time to time on account or by monthly or other periodical payments; and that every person making a payment on account of any share shall be deemed and entered as a Shareholder, and be subject to, and bound by the rules and regulations of such Society for the time being.

Fresh Shareholders may be admitted.

III. THAT, subject to the rules and regulations for the time being of each such Society, it shall be lawful for fresh Shareholders to be admitted and enrolled from time to time.

Limited liability.

IV. THAT no Shareholder of any such Society shall, as such be liable to pay any greater amount towards the funds of such Society, or the debts or liabilities thereof, than the amount payable in respect of the number of shares taken or agreed to be taken by him under or by virtue of the rules of such Society at the time he became a Shareholder thereof: Provided nevertheless, that any Shareholder offending against any of the rules of such Society for the time being shall be liable to pay the fines and penalties chargeable or payable under such rules for such offence; and every Shareholder securing a loan out of the funds of such Society shall be liable to repay the same, with such expenses and interest as may be required, in such manner and at such times as may be provided at the time the loan is granted or agreed to be granted.

V. THAT it shall and may be lawful to and for the several Shareholders of each such Society from time to time to assemble together, and by majorities of those present to make, ordain and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as to the major part of the Shareholders of such Society so assembled together shall seem meet, so as such rules and regulations shall not be repugnant to the express provisions of this Act, and the general laws of the Island; and to inflict and impose such reasonable fines, penalties, and forfeitures upon the several Shareholders of such Society as shall offend against any such rules, as the Shareholders, by such majority present at any such meeting, may think fit; which fines, penalties, and forfeitures shall be paid to and for the benefit of the general funds of such Society; and also from time to time, in the manner, and by the majorities required by this Act, and by the rules and regulations of such Society for the time being, to alter and amend such rules as occasion shall require or render desirable, or annul, rescind, or repeal the same, and to make new and other rules for the furtherance of the objects of such Society.

Rules and regulations.

VI. THAT every such Society shall, in or by one or more of the rules thereof, declare all and every the intents and purposes for which such Society is established; and shall also, in and by such rules, direct all and every the uses and purposes to which the money which shall, from time to time, be subscribed, paid, or given to and for the use or benefit of such Society, or which shall arise therefrom, or in anywise shall belong to such Society, shall be appropriated and applied, and in what shares and proportions, and under what circumstances any member of such Society or other person shall or may become entitled to the benefits thereof.

Rule to declare objects of Society, &c.

VII. THAT the rules of every such Society shall provide that the Trustees, Directors, or other Principal Officer thereof shall once in every year at least, prepare, or cause to be prepared,

Provision for annual statement of account, &c.

a general statement of the funds and effects of or belonging to such Society specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received, lent, and expended by or on account of the said Society since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more persons to be appointed Auditors for that purpose, and shall be countersigned by the Secretary or Clerk of such Society, and every member shall be entitled to receive from the said Society a copy of such periodical statement.

Appointment
and removal
of Officers.

VIII THAT such rules may provide for the appointment, removal, and dismissal, from time to time, of such Presidents, Trustees, Directors, Committees, Secretaries, Treasurers, Builders, Surveyors, Solicitors, Auditors, Clerks, and other Officers, as may be deemed necessary or advisable for the working of such Society, in such manner, on such terms, with such powers, and by such majorities, as shall in and by such rules be provided; and all or any such Officers may be appointed, removed, or dismissed accordingly: Provided, that all or any of such offices may be filled by members of such Society notwithstanding their position as such members.

Trusts upon
which mort-
gages are to
be taken.

IX. THAT each such Society may, by the rules thereof, or by means of Schedule to such rules, to be certified, confirmed, and filed as herein mentioned, specify the trusts on which mortgages accepted by them shall be taken and held, and also the powers and privileges which, in all such mortgages, shall be held and enjoyed by the Trustees of such Society; which trusts, powers, and privileges may, in every such mortgage, be referred to by apt words; and that thereupon such trusts, powers, and privileges shall be as absolutely vested in, and shall as fully devolve upon, the Trustees for the time being of such Society, as if they were fully set out in every such mortgage, and also that each such Society may, in like

manner, by its rules, or by Schedules thereto, provide or set out forms in which mortgages and conveyances to them, and surrenders and releases of mortgages on mortgage terms, and all conveyances by them, may be taken in cases where it is found practicable to adopt such forms.

X. THAT provision may be made by one or more of the rules of any such Society for referring to arbitration all and every and any matters in dispute between or amongst any of the Officers and Members of such Society, or any persons claiming under them respectively, in any way concerning the rules of such Society, or the meaning or application thereof, or the affairs of such Society, or any claims made by or against such Society, or the Trustees or other officers thereof, for or on account of such Society; and whatever award shall be made by the Arbitrators to whom such matter shall be referred, or the major part of them, according to the true purport and meaning of the rules of such Society, shall be binding and conclusive on all parties, and shall be final to all intents and purposes without appeal, and shall not be removed or removeable into any Court of Law, or restrained or restrainable by the injunction of any Court of Equity; and should either of the said parties in dispute refuse or neglect to comply with or conform to the decision of such Arbitrators or the major part of them, it shall and may be lawful for any one Justice of the Peace, residing within the parish within which such Society shall hold its meetings, on application of the party desiring to enforce such award, upon good and sufficient proof being adduced before such Justice of such award having been made, and of the refusal or neglect of the opposite party to comply therewith, by warrant under his hand and seal to cause such sum as may be awarded by such Arbitrators, and the costs of the application, not exceeding ten shillings, and the cost of warrant and distress, to be levied by distress, or by distresses, and sale of the monies, goods and chattels, securities and effects belonging to the party in default, together

Settlement
of disputes
by arbitration.

with all further costs and charges attending such distress and sale, returning the surplus (if any) to such party in default.

Rules to be
submitted to
Barrister and
allowed by
Judge.

XI. THAT two transcripts of all rules and regulations made by any such Society, and of all alterations, amendments, rescissions, and annullings thereof, or of any of them, shall be signed by three Directors, and countersigned by the Clerk or Secretary of such Society, and shall be submitted, within one month from the making thereof respectively, to the Barrister-at-Law for the time being appointed to certify the rules of Savings Banks, for the purpose of advising and certifying that such rules, amendments, alterations, rescissions, and annullings respectively are calculated to carry into effect the intention and purposes for which such Society was formed, and also are in conformity to law, and to the provisions of this Act, and advising and certifying what part or parts the same respectively are repugnant thereto; and that such transcripts when so certified as aforesaid, shall be returned to the Society: one of which transcripts shall be kept by such Society, or the proper Officer thereof for the time being, and the other of such transcripts shall be forthwith transmitted to the Clerk of the Supreme Court and Crown*, and by him be laid before one of the Judges of the Supreme Court in Chambers, who is hereby authorized and required to allow and confirm the same; and such transcript so certified and confirmed shall be filed by such Clerk of the Supreme Court and Crown in his office as a record thereof†, without fee or reward: Provided nevertheless, that in case there shall be no Barrister-at-Law appointed for the purpose aforesaid, or any such Barrister should decline or neglect to certify as to all or any such rules, alterations, amendments, rescissions, and annullings, then it shall be lawful for the Chief Justice for the time being of the Supreme Court, on the application of any such Society, or any

* Amended by Sec. 4 of the said Law by directing second transcript to be sent to the Deputy Keeper of the Records when certified by the Attorney General.

† Amended by Sec. 4 of the said Law by directing the said transcript to be filed in the Record Office.

Officer thereof, to appoint some Barrister-at-Law to certify the same respectively, whose certificates shall thereupon be as valid as if he had been the Barrister appointed to certify the rules of Savings Banks.*

XII. THAT in case any such Barrister shall refuse to certify all or any of such rules, alterations, amendments, rescissions, or annullings, or shall certify them to be repugnant to Law or to this Act, or in case he should desire the opinion of one of the Judges of the Supreme Court to be obtained for his guidance on any point, it shall then be lawful for any such Society, or any Officer thereof, to submit such rules, alterations, amendments, rescissions, or annullings, or any of them, to one of the Judges of the Supreme Court of this Island in Chambers, together with the reason assigned by the said Barrister, in writing, for any such refusal, difficulty, or disapproval; and that such Judge shall and may, if he thinks fit, confirm and allow the same rules, alterations, amendments, rescissions, or annullings, notwithstanding any such rejection or disapproval by any such Barrister, or may give such directions in reference to the certificate to be granted as he may deem right.

Refusal by
Barrister to
certify.

XIII. THAT every such Barrister shall be entitled to demand and receive for his labour in persuing and certifying such rules, amendments and rescissions a fee of sixty-three shillings, and no more: Provided nevertheless, that no fee shall be allowed to any Barrister in respect of any alterations, amendments, or rescissions of any rules upon which one fee shall have been already paid to him within the period of three years.*

Fee to Bar-
rister.

XIV. THAT no such Society shall be deemed a Building Society, or Benefit Building Society, within the meaning of this Act, until its rules and regulations, including in particular the rules required by sections six and seven of this Act, shall have been certified, confirmed, and filed as aforesaid;

Society not
formed until
rules have
been con-
firmed.

* Amended by Sec. 3 of Law 23 of 1886 by transferring the duties, powers, functions and rights of the Barrister to the Attorney General.

and that all such rules and regulations, and amendments and alterations thereof, and additions thereto, shall be, and be deemed to be, the rules and regulations of such Society from the respective dates of their confirmation as aforesaid, until the rescission, annulling, alteration, or amendment thereof respectively shall be certified and confirmed, and except in so far as they may be so rescinded, altered, or amended; and that the rules and regulations for the time being of such Society, so certified and confirmed as aforesaid, shall be binding on the several members and officers thereof, and contributors and subscribers thereto, and on their representatives, all of whom shall be deemed and taken to have full notice thereof.

Altering of
rules.

XV. THAT no rule of any such Society, after having been certified and confirmed as aforesaid, shall be altered, rescinded or repealed, nor shall any new rules be adopted unless upon the requisition, in writing, of ten or more of the members of such Society, holding in all not less than fifty shares, specifying the rules sought to be altered, rescinded, or repealed, or adopted, and all alterations proposed to be made therein, which requisition shall be publicly exhibited at the rooms or office of such Society, at least one month before any meeting to consider the same shall be called; nor unless a general meeting shall be thereupon duly convened to consider the same; nor unless upon a vote of at least three-fourths in number of the Shareholders of such Society present at such general meeting, and also upon the vote of Shareholders holding at least three-fourths of the number of shares held by the Shareholders so present at such general meeting.

Rules, must
be entered in
book.

XVI. THAT all the rules for the management of each such Society, and all alterations, amendments, annullings, and rescissions of such rules, shall be entered in a book, to be kept by an Officer of such Society appointed for that purpose, to which book all the members of such Society shall be entitled to have access at all times when the office of such Society shall be open for business.

XVII. THAT the general business of each Society shall be conducted and carried on for the purposes, in the manner, and by the persons mentioned and set forth in or appointed under or by virtue of the rules thereof for the time being; and the funds of such Society, while not required or used for the purposes thereof, shall be lodged in some of the Banks of this Island, in such manner, and in the names of such persons, as shall by the rules of such Society be directed, required, or permitted; and all interest, if any, arising therefrom shall be applied to increase the general funds of such Society.

How business
to be carried
on.

XVIII. THAT all general meetings of any such Society shall be held at such places and times, and in such manner, and shall be publicly notified in such manner, and for such length of time, as shall be required by the rules and regulations of such Society; and in the event of there being no rule on the subject, then the time and place for holding each such general meeting shall be notified by public advertisement, signed by at least two Directors of such Society, in at least two public newspapers of the Island, for at least two weeks prior to the holding of such general meeting.

General
meetings.

XIX. THAT all Committees to be appointed under or by virtue of the rules of any such Society, or by any general meeting thereof, shall be appointed solely at general meetings of the members of such Society convened as aforesaid by or under resolution of such general meeting, which resolution shall specify the purposes for which such Committee shall be appointed, and the powers delegated to them, and that such Committee shall, in all things delegated, committed or entrusted to them, respectively act for and on behalf of such Society; and all acts and orders of such Committees under the powers delegated to them respectively during the time for which they shall be appointed or hold office shall be binding on the whole members of such Society: Provided, that the transactions of each such Committee shall be entered

Appoint-
ment of Com-
mittees.

into a book belonging to the Society, and liable to inspection by all or any of the members of such Society at all reasonable times, and shall be subject and liable to the review, allowance, disallowance, and control of such Society, or of the Directors thereof for the time being, in such manner and form as by the rules of such Society shall be provided.

**Donations
and be-
quests.**

XX. THAT it shall and may be lawful for any such Society to receive donations and bequests from any person or persons for the purposes of such Society, or any of them; and all such sums shall be applicable to the general purposes of such Society, or to the special purpose for which the same may be given, as the case may be, in the like manner as the contributions of the several members of such Society are or shall be directed to be applied in pursuance of this Act, and shall not be applied in any other manner.

**Bonuses on
shares.**

XXI. THAT it shall and may be lawful to and for any such Society to have and receive from any member or members thereof any sum or sums of money by way of bonus on any share or shares, for the privilege of receiving the same in advance, prior to the same being realized, and also any interest for the share or shares so received, or any part thereof.

**Regulation
as to mort-
gages, &c.**

XXII.* THAT all mortgages, conveyances, bond, and other securities agreed or intended to be made or given to or by any such Society shall be made and given to two or more persons as Trustees thereof; and that no mortgages, conveyances, bonds, or other securities so made or given to or by the Trustees for the time being of any such Society, in and about the business of such Society, or relating thereto, shall be charged or chargeable with any stamp duty whatever, unless until this clause shall at any future time be specially repealed.

* Repealed, so far as it exempts from Stamp Duty mortgages, conveyances, bonds and other securities given to or by the Trustees of Building Societies, or Benefit Building Societies, by Sec. 1 of Law 27 of 1886.

XXIII. THAT all mortgages, conveyances, deeds, bonds, and other securities, and real and personal estate agreed or intended to be made, given to or by any such Society shall and may be made and given to or by the Trustees for the time being of such Society ; and that on each change in such Trusteeship, the legal estate and interest under or in such mortgages, conveyances, deeds, bonds, and other securities, real and personal estate, shall immediately vest in the Trustees for the time being of such Society, without the necessity of any assignment, conveyance, or other deed whatsoever, and may be recovered and enforced in any Court of Law or Equity by the Trustees for the time being of such Society, in the like manner, and as fully, to all intents and purposes, as if such deed, mortgages, conveyances, bonds and other securities, and real and personal property had been originally executed in favor of or conveyed to such Trustees for the time being ; and all investments of moneys and securities lodged or made in any Bank, Savings Bank, or Public Treasury, shall be forthwith transferred to the names of the Trustees for the time being of such Society: Provided nevertheless, that every appointment of any Trustees or Trustee shall be certified under the hand of three of the Directors of such Society to the Island Secretary, and that such certificates be recorded in his office amongst the records of deeds: And provided also, that all the advantages of this clause shall apply to all such deeds, bonds, and other securities, real and personal estate of every such Society already established which shall become a Building Society, or Benefit Building Society, under the provisions of this Act.

Change in
Trusteeship.

XXIV. THAT all real estate, and all title, securities for money, and other obligatory instruments, and evidences and muniments of title, and all other effects whatever, and all rights and claims belonging to or claimed by such Society, shall be vested in the Trustees of such Society for the time

Estate and
effects of So-
ciety vested
in Trustees.

being, for the use and benefit of such Society, and the respective members thereof, their respective executors, and administrators, according to their respective claims and interests; and after the death or removal of any Trustees, shall vest in the succeeding or surviving Trustees for the same estate and interest as the former Trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever, except the transfer of stocks and securities in the Public Treasury of this Island, or any of the Savings Banks, or other Banks, or place of deposit or investment; and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be the property of the persons appointed as Trustees or Trustee of such Society for the time being, in their own proper names without further description; and such persons shall, and they are hereby respectively authorized to, bring or defend or cause to be brought or defended, any actions, suits, and prosecutions, criminal as well as civil, in law or in equity, touching or concerning the property, right, or claim aforesaid of, or belonging to, or had or claimed by such Society: Provided such persons shall have been thereunto duly authorized by the consent of the majority of members present at any meeting of the Society, or Committee thereof, or by a meeting of the Directors thereof; and such persons so appointed shall and may, in all cases concerning the property, right, or claim aforesaid of such Society, sue and be sued, plead and be impleaded, in their or his proper names, as Trustees of such Society, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such persons, or any of them, or their or his removal from the office of Trustee, but the same shall and may be proceeded in by the succeeding Trustees in the proper names of the persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such

succeeding Trustees or Trustee shall pay or receive like costs as if the action or suit had been commenced in their or his name or names for the benefit of, or to be reimbursed from, the funds of such Society.

XXV. THAT it shall not be necessary to record any mortgage given to any such Society, or the Trustees thereof, unless and until it shall be deemed necessary or advisable to enforce the same; but, in lieu thereof, it shall be sufficient notice to all the world of the existence of such a charge, if a memorandum in the form and to the effect in the Schedule hereunto annexed, signed by the parties giving such mortgages, shall be recorded in the office of the Secretary of this Island within three months after such mortgage is effected; and that every such mortgage whereof such memorandum shall be recorded as aforesaid shall have the same and no other effect than if the deed had been fully recorded, and that free access shall be had by every person interested in the original mortgage in the possession of such Society: Provided, that for the recording of every such memorandum the Island Secretary shall be entitled to demand and have the sum of two shillings, and that no other fee whatever shall be demanded or taken for recording the same: And provided also, that on recording any such mortgage deed as aforesaid the usual fees shall be demanded and paid.

Recording of mortgages.

XXVI. THAT all arrears of subscriptions, fines, penalties, and forfeitures due or to become due to any such Society under or by virtue or in pursuance of the rules and regulations thereof, or any of them, shall and may be enforceable and recoverable by Petty Debt summonses, or actions at law, according to the amount thereof respectively, to be sued out in the names or name of the Trustees or Trustee for the time being, and by proceedings thereon to judgment and execution: Provided also, that such summonses and actions may, in form, be upon an account stated by the defendant with the plaintiff.

Recovery of moneys due.

Members
may sue and
be sued by
Trustees.

XXVII. THAT members of any such Society accepting any office or employment under or by virtue of the rules and regulations thereof, or being or becoming in any way indebted or liable to such Society, or having any claims against such Society, may sue and be sued by the Trustees or Trustee for the time being of such Society, and shall be answerable, civilly and criminally, in respect of their actions, transactions, and omissions in and about the business and property of such Society, in like manner, and as fully, to all intents and purposes, as if they were not members of such Society, or partners therein; and that the fact of such membership shall not be set up, or in any way avail to delay or defeat any such civil or criminal proceeding or process in any Court whatsoever.

Officers to
account and
pay over
moneys on
demand.

XXVIII. THAT every officer of any such Society whom shall have or receive any part of the monies, effects, or funds of or belonging to any such Society, or shall in any manner have been, or shall be entrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property of such Society, and the executors and administrators of such officers respectively, shall, upon demand made, or notice in writing given or left at the last or usual place of residence of such officer, in pursuance of any order of such Society, or of any two or more Directors thereof, or of any Committee thereof to be appointed for such purpose, within seven days after such demand made or notice given as aforesaid, give in his account, in writing, at the next usual meeting of such Society, or to such Directors or Committee so appointed as aforesaid, to be examined and allowed or disallowed by such Society, Directors, or Committee thereof; and shall, on the like demand or notice, pay over all the monies remaining in his or her hands, and assign, transfer, and deliver all securities and effects, books, papers, and property taking or standing in his or her name as aforesaid, or being in his or her hands or custody, to the Secretary or Directors for the

time being of such Society, or to such person or persons as such Society, or any Committee thereof, shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such monies, or to assign, transfer, or deliver such securities and effects, books, papers, and property, or any part thereof, in manner aforesaid, it shall and may be lawful to and for every such Society, in the name of the Trustee thereof, as the case may be, to exhibit a petition to the Chancellor or Vice-Chancellor, who shall and may proceed thereupon in a summary way, and make such order thereon, in Chambers, or in open Court, as to such Chancellor or Vice-Chancellor may seem just; and all assignments, sales, and transfers made in pursuance of such order shall be good and effectual in law to all intents and purposes whatever.

XXIX. THAT if any person who may hereafter be appointed to any office in any Society established or recognised under this Act, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such Society, or any deeds or securities relating to the same shall die, or become a bankrupt, or insolvent, or have any extent, execution, or attachment, or other process issued against his lands, goods, chattels, or effects, or property, or estate, real or personal, or made any assignment, disposition, or other conveyance thereof for the benefit of his creditors, his heirs, executors, administrators, or assigns, or other persons having legal right, or the sheriff, or other officer executing such process, as the case may require, shall, within forty days after demand made in writing by the order of any such Society or any two or more Directors thereof or any Committee thereof deliver and pay over all monies and other things belonging to such Society to such person as such Society, Directors, or Committee shall appoint, and shall pay out of the estates, assets, or any effects, real or personal, of such person, all sums

Officer dying
or becoming
insolvent
with effects
of Society in
his hands.

of money remaining due which such person received by virtue of his said office or employment, before any other of his debts shall be paid or satisfied, and before the money directed to be levied by such process as aforesaid shall be paid over to the party issuing such process; and all such assets, lands, goods, chattels, property, estate, and effects shall be bound to the payment and discharge thereof accordingly,

**Limitation of
responsibility
of Trustees.**

XXX. THAT the Trustees or any other officer of any Society established under the authority of this Act shall not be liable to make good any deficiency which may arise in the funds of such Society : Provided always, that the said Trustees, and every other officer of any such Society, shall be, and they are hereby declared to be personally responsible and liable for all monies actually received by him or them on account of, or to and for the use of the said Society.

**Remedy for
fraudulent
detention of
money.**

XXXI. THAT for the more effectually preventing fraud and imposition on the funds of such Societies by any officer, member, or any other person being or representing himself or herself to be a member of such Society, or the nominee, executor, administrator, or assignee of any member of such Society, or any other person whatever, who shall, in or by any false representation or imposition, fraudulently obtain possession of the monies of such Society, or any part thereof, or, having in his or her possession any sum of money belonging to such Society, shall fraudulently withhold the same, and for which offence no special provision is made in the rules of such Society; it shall be lawful for any one Justice of the Peace residing within the parish within which such Society shall hold its meetings. upon complaint made on oath or affirmation by an officer of such Society appointed for that purpose, to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons; and, upon his or her appearance, or in default thereof, upon due proof upon oath or affirmation of the

service of such summons, it shall and may be lawful for any two Justices residing within the parish aforesaid to hear and determine the said complaint according to the rules of the said Society confirmed as directed by this Act; and, upon due proof of such fraud, the said Justices shall convict the said party, and award double the amount of the money so fraudulently obtained or withheld to be paid to the Trustees, to be applied by them to the purposes of the Society so proved to have been imposed upon and defrauded, together with such costs as shall be awarded by the said Justices; and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded to the person and at the time specified in the said order such Justices are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made, or by other legal proceedings, together with such costs as shall be awarded by the said Justices, and also the costs and charges attending such distress and sale, or other legal proceedings, returning the surplus (if any) to the owner; and, in default, of such distress being found the said Justices of the Peace shall commit such person so proved to have offended to the common gaol or house of correction, there to be kept to hard labour for such a period, not exceeding three calendar months, as to them shall seem fit: Provided nevertheless, that nothing herein contained shall prevent the said Society from proceeding by indictment or complaint against the party complained of: And provided also, that no party shall be proceeded against by indictment or complaint, if a previous conviction has been obtained for the same offence under the provisions of this Act: Provided further, that nothing in this clause contained shall take away the right of appeal from any party.

XXXII. THAT a minor may become a member of any such Society, and shall be empowered to execute all instruments, give all necessary acquittances, and enjoy all the privileges, Minors may be members.

and be liable to all the responsibilities, appertaining to members of matured age, notwithstanding his or her incapacity or disability in law to act for himself or herself: Provided always, that such minor be admitted into such Society by and with the consent of his or her parents, masters or guardians.

Member entitled to £30 or under dying.

XXXIII. THAT in case any member of any such Society shall die who shall be entitled to any sum not exceeding thirty pounds, it shall be lawful for the Trustees and Directors of such Society, and they are hereby authorised and permitted, if such Trustees and Directors shall be satisfied that no will was made and left by such deceased member, and that no letters of administration will be taken out of the funds, goods and* chattels of such depositor, to pay the same at any time after the decease of such member, according to the rules and regulations of the said Society; and in the event of there being no rules and regulations made in that behalf, then the said Trustees or Treasurer are hereby authorized and permitted to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased as next of kin, and that without letters testamentary or letters of administration having been taken out in this Island.

Payment to supposed next of kin to be valid.

XXXIV. THAT whenever the Trustees or Directors of any such Society, or any of them on behalf of the said Society, at any time after the decease of any member, shall have paid or divided any sum of money to or amongst any person or persons who shall, at the time of such payment, appear to such Trustees to be entitled to the effects of any deceased intestate member, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased member, or as the lawful representative of such member, against the funds of such Society, or against the Trustees thereof; but nevertheless such next of kin or representative shall have

* "and" not in Original.

remedy for such moneys so paid as aforesaid against the person or persons who shall have received the same, as for money had and received to his use.

XXXV. THAT it shall not be lawful for any such Society, Dissolution. by any rule at any general meeting or otherwise, to dissolve or determine such Society so long as the interests and purposes declared by such Society, or any of them, remain to be carried into effect, without obtaining the votes of consent of five-sixths in number and value of the then existing members of such Society, nor unless the intended appropriation or division of the funds, or other property of such Society, shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given, nor until such proposed plan of dissolution shall be certified by such Barrister as aforesaid to be fair and equitable; and, in the event of such division of the property, or misappropriation of the funds of such Society, without the consent and certificate hereby declared to be requisite, the Trustees and their Officers and persons aiding or abetting therein, shall be liable to the like penalties as are hereinbefore provided for in cases of fraud, and shall also be liable to the general members of the Society for the fund so misappropriated.*

XXXVI. THAT any Building Society or Benefit Building Society already
formed. Society already formed or established in this Island may lay its rules and regulations before any such Barrister as aforesaid; and that upon its rules and regulations being certified and confirmed as herein mentioned, every such Society so already formed shall be, and be deemed to be, a Building Society, or Benefit Building Society, within the meaning of this Act, and shall be entitled to all the rights, and privileges, and powers hereby granted to such Societies.*

XXXVII. THAT this Act may in all proceedings be called Short title. "THE BENEFIT BUILDING SOCIETY ACT, 1865."

* Amended by Sec. 3 of Law 23 of 1886, by transferring the duties, powers, functions and rights of the Barrister to the Attorney-General.

FORM OF MEMORANDUM.

Date of deed.

Names of parties.

Substance of recitals.

Description of premises.

Full abstract of provisions of deed.

Signature of parties executing. {



Signature of witness.

Date of probate, and before whom taken.

Jamaica, ss.

I swear that the above is a true extract of the mortgage deed to the Trustees of the Building Society.

Secretary of the Company.

Sworn to before me at Kingston, this day
of 186 .

J.P., Kingston.

CHAPTER XVIII.

AN ACT to authorize the infliction of Corporal Punishment in certain cases of Larceny and other offences.

WHEREAS the punishment at present authorized by law has proved insufficient to check the increase of larcenies, and especially of the crimes next hereafter and herein specified: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Jurisdiction
of Justices
under 20
Vic. c. 5.

I. THE summary jurisdiction conferred upon two or more Justices by the Act passed in the twentieth year of her present Majesty's reign, chapter three, shall in all cases of a charge after a previous conviction of an offence within such

jurisdiction and specially mentioned in this Act be, and it hereby is annulled; and such Justices shall take the examination of all witnesses for the prosecution, and if, in their opinion, a proper case is thereby made out for the consideration of a Grand Jury, they shall transmit such examinations to the Clerk of the Peace of the parish in which they act as such Justices for further prosecution at the Circuit Court thereof.

II. UPON this Act coming into operation, it shall be lawful for, and in the discretion of, the Judge of any Circuit Court, in lieu of, or in addition to, the punishment already authorized by law, to sentence any male person convicted before him of any of the illegal acts or offences next herein described to be whipped, that is to say:—

Power to inflict corporal punishment for certain offences.

Every second or subsequent conviction for stealing, destroying, or damaging with intent to steal, any cultivated plant, root, fruit, or other vegetable production used for the food of man or beast, or for medicine, or for distillation, for* dyeing, or for or in the course of any manufacture, growing in any garden, orchard, or provision ground, whether the same be enclosed or not, or in any cane, coffee, or pimento field; stealing any horse, mare, gelding, or colt, filly, mule, or ass, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, pig, or goat, or wilfully killing any of such animals with intent to steal the carcase, skin, or any part thereof, or wilfully maiming any of the said animals; and for any second or subsequent consequent conviction for stealing any domesticated animal, or any animal ordinarily used for human food, or feloniously receiving any such property or animals as aforesaid, knowing them to have been stolen.

* * * * *

* "of" in Original.

Punishment
to be inflicted
in presence of Surgeon.

V. THE punishment by this Act additionally or in substitution authorized shall never be inflicted except in the presence of the Surgeon of the Prison in which the prisoner is at the time confined; and such Surgeon is hereby required to attend thereat, or, in his absence, some other duly qualified Medical Practitioner; who are respectively hereby empowered to interpose after partial execution of the sentence of whipping, and to direct the postponement of the remainder thereof until such time as the convict may be able to undergo the same.

And in certain cases, of two Constables.

VI. THERE shall also be present at the infliction of every such whipping, or any part thereof, whenever the punishment of whipping is inflicted in the district where the offence has been committed, two Constables for the time being appointed under the "Constabulary and Reward Fund Act," who shall be summoned by any Visiting Justice of the gaol or prison in which the convict is imprisoned from the district or neighbourhood in which the offence for which the whipping is to be inflicted was committed.

Surgeon to report to Governor.

VII. THE Surgeon or Medical Practitioner present at every such whipping punishment shall, within seven days after every infliction, or any part thereof, furnish a report to the Governor of the state and condition of the convict so punished, and whether the punishment has been fully or partially, or to what extent, inflicted.

Governor may postpone or remit punishment.

VIII. THE Governor shall, if he thinks fit, under the circumstances of any case, direct a further postponement, or altogether remit the remainder of such punishment, by order to such effect respectively to the Superintendent or Jailer, who, and all others whom it may concern, shall be governed thereby accordingly.

IX. THIS Act shall not come into operation until it shall have received her Majesty's royal assent, and such assent shall have been notified by advertisement in the Jamaica Gazette by Authority.

Commence-
ment of Act.

CHAPTER XXI.

AN ACT to provide for the appointment of an Officer for inspecting the several Revenue Departments of this Island.*

WHEREAS it is necessary to make provision for an efficient inspection of the several Departments of the Revenue of this Island: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same:—

I. THE term "Inspector," shall mean the Inspector of Revenues to be appointed under this Act.

Definition.

II. It shall be lawful for the Governor, and he is hereby required, to appoint, under his Hand and Seal, a fit and proper person to be Inspector of Revenues, at a salary at the rate of six hundred pounds per annum, payable monthly, on the warrant of the Governor, with an allowance at the rate of two hundred pounds per annum for travelling expenses, also payable in like manner; and every person so appointed shall be subject to removal for just cause by the Governor.

Appoint-
ment of In-
specter of
Revenue.

III. SUCH Inspector shall, twice in every year, or as often as he shall be directed by the Governor and Executive Committee, personally attend at and examine and investigate into every Department of the Public and Parochial Revenue of this Island, and examine all books of account, and accounts, vouchers, and papers having relation to the Revenue of every

His duties.

* Rep. in part, Law 6 of 1869.

Department, or source of Revenue respectively, and in the possession or under the control of every officer or person charged or having to deal with the collection of the said Revenues of the several Departments respectively throughout this Island; and such Inspector shall, after every such examination, make a separate report as to each Department of his proceedings in, and the results of, such examination, together with his observations, remarks, or suggestions on any case or matter coming under his cognizance to the Governor in Executive Committee; and shall also make examination and report on any further occasions, whenever he may be required so to do by the Governor with the advice of the Executive Committee.

Regulations
for carrying
out of Act.

IV. It shall be lawful for the Governor, with the advice of the Executive Committee, from time to time to make such orders and regulations as shall seem expedient for the direction of such Inspector in the full and due discharge of his duties and for carrying out the purposes and policy of this Act.

Powers of
Inspector.

V. FOR the purposes of this Act it shall be lawful for such Inspector, and he is hereby required, to visit and enter into every place of business occupied by every officer, or person charged with or engaged in collection of any Revenue or monies belonging, or to be accounted for, to the public in any Department of the public or parochial service throughout this Island; and to send for and have the custody of any books or papers under the control of any such officer or person; and to call for any returns from any such officer or person relating to or in anywise concerning any such Revenue or public moneys; and to keep such books or papers for such time as may be required; and also to send for, and to examine upon oath, which oath he is hereby empowered to administer, any person touching any matter or thing relating to any revenue, source of revenue, or public money, or the accounts thereof.

VI. IF any Revenue Officer, or other person, when required or sent for by such Inspector, shall neglect or refuse to appear before him, or to deliver or produce any books, accounts, or vouchers, or other papers touching any matter or thing connected with any Revenue or public moneys for which every such officer or person is accountable; or, if having come before such Inspector, such officer or person shall refuse to be sworn, or to answer any question which such Inspector may lawfully require to have answered in the premises, or shall neglect or refuse to bring with him, or to produce any books, vouchers, or accounts, or papers; or shall refuse or neglect to make any return which he may be required to make touching or relating to any such revenue, source of revenue, or public moneys, he shall forfeit and pay, for every such neglect or refusal, a sum not exceeding one hundred pounds, to be recovered by attachment, under the Hand and Seal of a Judge of the Supreme Court; the whole of which penalty shall be to the use of her Majesty, her heirs and successors, for the support of the Government of this Island; but before any such attachment shall issue it shall be shown to the satisfaction of such Judge, in the case of refusal to be sworn, or to answer any lawful question, or to produce any books or papers, or to make any return, that the conduct of the person complained against was contumacious, or, in the case of non-attendance, that such person had been duly required to attend, and that he had no reasonable excuse for his non-attendance.

Penalty for
refusing to
appear before
Inspector, &c.

VII. No such officer or person shall be required to give attendance out of his official or accustomed place of business, except in any case where the Inspector may require to be attended in some more private or convenient place, to be not further than one mile distant from such official or accustomed place of business, or unless under special direction by the Governor in Executive Committee.

Place of at-
tendance of
officer whose
attendance
required.

Penalty for
giving false
evidence, &c.

VIII. ANY person who shall wilfully and corruptly give false evidence, or make a false statement, when under examination by such Inspector, shall, on conviction, suffer the pains and penalties by law imposed in case of perjury; and every prosecution in such respect shall be undertaken and prosecuted as a public prosecution.

Penalty for
obstructing
Inspector in
the execution
of his duty.

IX. ANY person obstructing, hindering, or impeding in any manner such Inspector in the execution of his duty, or in carrying out any order or direction of the Governor in Executive Committee under this Act, shall, on conviction for every such offence, forfeit and pay a sum not exceeding fifty pounds, or, in default of payment, shall be imprisoned for the space of sixty days; and the proceeding against every such offender shall be according to the provisions of any Act in force for the time being regulating summary proceedings before Justices.

Inspector not
to sit in either
branch of
Legislature.

X. No such Inspector, during his continuance in office, shall be elected or appointed to, or sit as a member of, either branch of the Legislature of this Island.

CHAPTER XXII.

AN ACT to re-establish the Saint Mary District Prison, and to make other provisions for the more extended employment of Convicts, and more efficient organization of Prison management and discipline.*

CHAPTER XXIII.

AN ACT to provide for payment, by way of Perpetual Annuity, of the yearly interest on the total principal monies due to certain Charities and Institutions, and for excluding such principal sums of money from the statement of Debts due by this Island.

WHEREAS the several principal sums of money on account of the Charities and Institutions mentioned in

* Repealed by Sec. 97 of Law 18 of 1882.

the Schedule to this Act annexed have, at periods long past, been deposited in the Public Treasury at various rates of interest payable thereon, amounting to the several sums in the column headed "Interest or Annuities" in such Schedule, under the authority of certain Acts of the Legislature of this Island, and otherwise, as in the said Schedule mentioned or referred to; and such principal sums, in consideration of securing such interest thereon, which has been annually duly paid, were so deposited, and have been appropriated for the use of the public of this Island, without any intention that the same, or any of them, should be at any time withdrawn; and it is only necessary to make due provision for payment in future of the aforesaid interest thereon: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. THE Receiver General shall pay, during the current financial year, and in every year after the passing of this Act, under the warrants of the Governor, out of the General Revenue of this Island, by way of perpetual annuities, to the credit of the said several Charities and Institutions, and to be applied by the Governors and Trustees, or Trustees thereof, respectively according to the several Trusts under which the annual incomes or funds respectively are to be applied, the several sums of money stated in the column headed "Interest or Annuities" in the Schedule to this Act annexed opposite to such several Charities or Institutions, and amounting in the whole to the sum of five thousand four hundred and sixty-six pounds seven shillings and ten pence.

Annual payment to Charities of sums in Schedule.

II. THE payment of such sum of money by way of perpetual annuities as by this Act provided shall be in full and final settlement and discharge of all principal at any time, and interest hereafter to accrue on account of the several Charities and Institutions aforesaid; and the aforesaid principal

To be in full discharge of principal and interest due.

pal monies shall be excluded from the statement or account of debts due by the public of this Island.

Saving of
certain rights.

III. NOTHING in this Act contained shall prejudice or affect the right of the Governors and Trustees, or Trustees, of either of the said Charities and Institutions, to the respective sum of money brought forward in the books of the Receiver General as due and owing thereto respectively at the thirtieth day of September last under the head of "Interests."

IV.*

Annual ac-
count.

V. AN account in detail of the expenditure of the said yearly sum of five thousand four hundred and sixty-six pounds seven shillings and ten pence, and any other sum to be paid under the authority of this Act, shall be laid before the Assembly within the first two weeks after each meeting thereof.

† Repealed by Sec. 1 of Law 23 of 1885.

And any other Charity, Institution, or Trust, as provided under the foregoing.

CHAPTER XXIV.

AN ACT to provide for the Re-construction of the most Public Thoroughfares of the City of Kingston

WHEREAS it is desirable that the Streets, Cross-Streets, and Lanes of the best and most fully inhabited parts of the City of Kingston should be re-constructed on principles to provide for the drainage, and lay the foundation for the permanent maintenance of the City Thoroughfares: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same as follows, *videlicet* :—

Limitation of work.

I. THE works by this Act authorized shall be executed within the limits next mentioned :—That is to say, from East to West, from the line of Hanover Street to Orange Street, both inclusive, and from the line of the Parish of St. Andrew to the sea, on North and South lines respectively, within the above-mentioned Eastern and Western limits.

Commissioners and their duties.

II. ANY two members of the Executive Committee, the Custos, the Mayor, and the Members in Assembly for the City and Parish of Kingston respectively for the time being shall be Commissioners, of whom any three may form a Board or quorum :—

1. To cause to be re-constructed the several Streets, Cross-Streets, and Lanes of the said City within the said limits by this Act authorized, by such methods, and with such materials and workmanship as may appear to be best calculated to obtain and secure the convenient and permanent use of the said Streets, Cross-Streets and Lanes,

and to provide for leading off the rain-waters which fall in or flow down the same, and eventually to lead off also the refuse and sewage-waters issuing or flowing from the houses built, or to be built, within the limits aforesaid.

2. To remove, destroy, alter, divert, stop up, or abate any stairs, steps, enclosures, posts, piles, or other encroachments, obstructions, materials and things, or such part or parts thereof respectively, as it shall, in the judgment of the Board appointed under this Act, be necessary to remove, destroy, alter, divert, or abate for the purposes of this Act; erecting or providing other suitable steps or stairs in the stead of any which may be so removed or stopped up, so as to equalise the width and height of the several causeways or piazzas in, and to restore the original width by law prescribed of, the said Streets, Cross-
Streets and Lanes respectively, and to make the same available for general and convenient use as public thoroughfares.

3. To cause such drains, pipings, sewer-gratings and water-tables to be constructed, and such parts of the said Streets, Cross-Streets and Lanes respectively to be laid out for carriage ways, and such part thereof for foot passengers, as shall be requisite or proper.

4. To enter upon and take any land, or any right of user or enjoyment, right of way, or other right or easements of, out of, over, upon, or in connexion with any land belonging to the City, or any person, and to make and complete, and keep in repair and good order, from time to time, on such land, such works as may be requisite for the more complete drainage of the rain and sewage-waters of the said City, making compensation to any person having interest in any land, or in respect of any right therein, taken for the purposes of this Act.

5. To take (in case of neglect, or refusal, or incapacity, of any impediment on the part of any person interested in any land to treat or agree for the sale thereof, or any right of easement therein or thereout) the like proceedings under this Act for acquiring such land, or right, or easement, as are provided to be taken under the Prisons Consolidation Act, Twentieth Victoria, chapter eleven* for the purposes of that Act, from section six to section nine, both inclusive; which, so far as the same may be applicable, shall be incorporated with, and form part of this Act, the Board appointed by this Act being taken as the authorities or functionaries to proceed under this Act instead of the Executive Committee.

Governor may
do certain acts.

III. It shall be lawful for the Governor, with the advice of the Executive Committee, to do or sanction the Acts next mentioned, *videlicet* :—

1. To authorize the employment, for the purposes of this Act, of any number of convicts confined in the General Penitentiary; the quarrying, taking away, and using any quantity of stones from the lands at Rock Fort belonging to the public; and the supplying of such quantities of dressed stones, bricks, and lime from the General Penitentiary as shall be necessary for such purposes, a correct account of the quantity and value of such labor and materials being kept by the Inspector of Prisons.

2. To borrow and raise, either in this Island or Great Britain, by bond, debenture, or otherwise, such sums of money as may be requisite, not exceeding in the whole the sum of fourteen thousand five hundred pounds for the purposes of this Act, as the same shall from time to time be required, and to appoint one or more Agents in

* "two" in Original.

Great Britain from time to time, with power to revoke any such appointment, for the purpose of raising moneys in Great Britain; and all bonds and debentures, issued and made payable in this Island shall be signed by at least two members of the Executive Committee; and all bonds and debentures issued and made payable in Great Britain shall be signed by such Agent, or, if more than one shall be appointed, then by at least two of such Agents; and all bonds or debentures shall be in such form, and for such amounts as the Governor, with the advice of the Executive Committee, or such Agent shall determine and shall be transferable and negotiable, and shall bear interest at a yearly rate of six pounds for every one hundred pounds; which interest shall, by every such bond or debenture, be made payable half yearly at the Island Treasury, if payable in this Island, and, if payable in Great Britain, at some place in London to be therein named.

3. In case any bond or debenture shall be lost, or destroyed, or defaced, to renew any such bond or debenture, by substituting therefor a copy in all respects of the lost, destroyed or defaced bond or debenture, except the signatures to be attached thereto, upon indemnity being given, satisfactory to the Governor in Executive Committee, to provide, in case of the production of any bond or debenture alleged to have been lost or mislaid, against any loss, damage, or expense to be incurred in making or resisting payment of the original bond or debenture, or in case of a defaced bond or debenture upon the delivery up of the same to be cancelled, and which defaced and cancelled bond shall be carefully preserved: Provided, that before any bond or debenture shall be renewed as aforesaid, notice shall be published for four consecutive weeks in the Jamaica Gazette by Authority of the date,

number, and other particulars of any bond or debenture alleged to be lost or destroyed, and desired to be renewed.

4. Out of the monies applicable under this Act by warrant to direct payment to the order of the Commissioners above appointed of* such sum of money as shall from time to time be required for or on account of the works authorized by this Act.

IV. †

Limitation of
rates and
taxes under
Act.

V. THE rates of taxes and duties hereby imposed shall commence in the present year, and, together with the items or objects charged therewith respectively, shall be given in for, and payable and paid at the same periods, and be received and collected or enforced by the same officers, and with the like powers and authorities, and subject to the like penalties or fines for any default, and the like meaning or interpretation of terms, and all other provisions of law, as any like taxes and duties on houses, and wheels, and stock respectively used under any Act now or at any time in force; or, if no such Act shall be in force, then by the last preceding Act in operation for providing duties by licences and registrations may be, or might have been raised, or are or were subject; but the duties and taxes by this Act imposed shall not be payable after payment of the principal and interest monies of the loan authorized by this Act.

Receiver General to perform certain duties.

VI. THE Receiver General is hereby required to perform the acts, matters and things following:—

1. To keep an account, to be entitled The Kingston Streets Account, in which he shall credit all monies received and collected under this Act, whether by the sale and disposal of bonds or debentures, or for taxes and

* “ of” not in Original.

† Repealed by Sec. 44 of Law 4 of 1883.

duties; or the annual sum charged on the estimates of expenditure, as by this Act provided; and shall debit all monies paid for the construction and execution of the works authorized by this Act, or for payment of interest or principal of any loan monies raised under this Act.

2. To pay out of any money at the credit of such account, and should there not be any money at the credit of that account, or the money at its credit not be sufficient, then out of any public moneys unappropriated, the half yearly interest, as the same shall fall due, on all bonds or debentures payable in this Island, and remit to the Agent or Agents in Great Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half yearly interest to fall due and be payable in Great Britain.

VII. ALL bonds and debentures which shall be issued under the authority of this Act shall be redeemable at such times, and in such proportions, as the Governor, with the advice of his Executive Committee, shall determine, not longer than twenty-five years after the issue of the same, and after notice of not less than twelve months of the intention to pay off the same, or any part thereof; and from and immediately after the expiry of such notice, the interest on such bonds or debentures as shall be notified to be payable shall cease.

Period of redemption.

VIII. If any question shall arise as to the title of any person having interest in any land which, or any right or easement in which, shall be taken for the purposes of this Act, it shall be lawful for the Governor, with the advice of the Executive Committee, to cause to be deposited the money payable in respect of such land, or right, or easement therein, with the Receiver General, to be placed to the credit of the persons interested in such land (describing them so far as can be), subject to the control and disposition of the Supreme Court of this Island.

Disputes as to title to land taken.

To be decided
by Supreme
Court.

IX. UPON the application by any person making claim to the money so deposited as last aforesaid, or any portion thereof, or any interest in the land, or right or easement therein, in respect whereof the same shall have been so deposited, the Supreme Court shall, in a summary way, and after such notice as to the Court shall seem fit, and to such person or persons as the Court shall direct, order distribution of such moneys, according to the respective estates, titles, or interests of the persons making claim to such money or land, or any interest therein, or any part thereof, and may make such order in the premises as to such Court shall seem fit.

Who to be deemed
in possession
of land.

X. ON any question respecting the title of the land in respect whereof, or of any right or easement therein or thereout, such moneys shall have been so deposited, the persons respectively in possession of such land, as being the owners thereof, or in receipt of the rents of such land, or in the user of any such right or easement, as being entitled thereto at the time of such land, or right, or easement being taken, shall be deemed to have been lawfully entitled to such land or right, easement or interest, until the contrary be shewn to the satisfaction of the said Court; and unless the contrary be shewn as aforesaid, the parties so in possession, or receipt, or user, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and the same shall be paid and applied accordingly.

Land taken how
to vest.

XI. ALL land, or any right or easement of or in the same, taken under this Act, shall vest in the Executive Committee for the time being for the purposes of this Act, under and pursuant to the provisions of the Act of the Twenty-second Victoria, chapter twenty-three, enabling such Executive Committee to have, hold and maintain the title to any property or estate for the benefit of the public.

Offences against
Act.

XII. NOTWITHSTANDING anything to the contrary in any Act contained, no Commissioners or Commissioner of High-

ways and Bridges in any parish, as a Board or otherwise, collectively or individually, or any Surveyor, Inspector, Waywarden, or other Officer or Agent of such Commissioners or Commissioner, shall in any manner interfere with, obstruct, hinder, or impede the execution of the works, or any part of the same, authorized under this Act; and any person offering or making any such interference, obstruction, hindrance or impediment shall, on conviction thereof in a summary way, forfeit and pay a sum not exceeding ten pounds, to be enforced in case of default in payment, according to the provisions of any Act relating to summary proceedings by or before Justices of the Peace.

XIII. ACCOUNTS shall, within twenty-eight days after each meeting of the Legislature, be laid before the Assembly of all moneys which shall have been received and paid by the Receiver General under the authority of this Act, distinguishing the sums from time to time paid for interest and principal, or either, on the loan raised under this Act, and other accounts of expenditure thereunder respectively. Annual Statement of account.

XIV. THE Board appointed under this Act shall have power to make rules and regulations for the guidance of their proceedings, and for the control and superintendence of the persons employed by them, and generally for carrying out the provisions of this Act. Rules for carrying out Act.

CHAPTER XXVI.

AN ACT to raise a Loan, not exceeding nine thousand pounds, to meet expenses for damages to Main and Parochial Roads and Bridges incurred in consequence of the floods in the month of May last.

WHEREAS it is desirable to provide for the repayment to the Public Treasury of the sum of nine thousand pounds, or so much thereof as may have been or shall be ex-

pended for the repairs of Roads and Bridges under the authority of the Act of the Twenty-seventh Victoria, session two, chapter six: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Power to
raise loan.

I. THE Governor, with the advice of the Executive Committee, is hereby fully empowered and authorised to borrow and raise such sums, not exceeding in the whole the sum of nine thousand pounds, as may be required for the purposes of this Act, in like manner as is prescribed, and with the same powers and provisions for raising and securing the repayment of the said sums and interest thereon, as are given by the Act of the Twenty-seventh Victoria, session one, chapter twenty-four, for raising and providing for payment of the interest and principal monies of the loan by such Act authorised, except in respect to the period of commencement of the annual investment for the formation of a sinking fund, which shall be commenced at such time as the Governor, with the advice of the Executive Committee, shall direct, and except also in respect to the amount of such annual investment, which shall be calculated at the rate of three per cent. per annum on the amount of the loan to be from time to time actually raised under this Act.*

How monies
raised to be
appropriated.

II. THE monies to be raised under this Act shall be appropriated, on the warrant of the Governor, with the advice of the Executive Committee, from time to time, in repayment of the monies advanced out of the General Revenue, under the authority of the recited Act of the Twenty-seventh Victoria, session two, chapter six.

* Repealed, so far as it regulates the amount to be invested in each year by way of Sinking Fund, by Sec. 1 of Law 5 of 1872.

CHAPTER XXIX.

AN ACT to amend the Eighteenth Victoria, chapter fifty-four, and the Nineteenth Victoria, chapter thirty-eight, relating to the District Schools of Vere.

WHEREAS it is desirable to amend an Act passed in the eighteenth year of the reign of her present Majesty the Queen, entitled, "An Act to repeal and amend the several Acts relating to the Vere Free School, and to make other enactments for rendering more extensively beneficial the said trust, and the funds thereof," hereinafter referred to as the first recited Act; and also an Act, passed in the nineteenth year of the reign of her present Majesty, entitled, "An Act to amend the Eighteenth Victoria, chapter fifty four," hereinafter referred to as the secondly recited Act: Be it enacted by the Governor, Legislative Council and Assembly of this Island:—

I. THAT from and after the passing of this Act all and every or any Clergymen or Clergyman of the Established Church of England, now appointed or hereafter to be appointed to officiate in any Church or Chapel of the Established Church in the said Parish of Vere, shall, during the period of their or his holding such appointments or appointment, be, and each of them respectively are and is hereby constituted and appointed Trustees and Governors, and Trustee and Governor, for the establishing, maintaining, management, and superintendence of the District Schools contemplated in, or designed and intended to be established, or already or hereafter to be established, in the said Parish of Vere, under and by virtue of the first recited Act, in addition to the Trustees and Governors appointed by the first and secondly recited Acts respectively; and such Clergymen and Clergyman shall have the same powers and authorities, and be charged with the same duties and liabilities, as the Trustees and Governors already appointed by the first and secondly recited Acts

Clergy of
Vere to be
Trustees of
the Schools.

respectively now possess, enjoy, or are subject to, in the same manner as if the said Clergymen and Clergyman had been originally named as Trustees and Governors in the first or secondly recited Acts.

II. AND whereas the Trustees and Governors appointed by the first and secondly recited Acts have from time to time received various sums of money on account of rents, rent-charges, and the arrears thereof, issuing out of or chargeable upon real estate, and have paid the same to the Receiver General of this Island: And whereas sums of money may in future accrue due and be paid to the said Trustees on account of such rents, rent-charges, or arrears thereof, or otherwise: And whereas the said Trustees and Governors are not authorized to draw, and the Receiver General is not authorized to pay, any sum or sums of money beyond the annual interest on the sum of six thousand two hundred and fifty-six pounds, principal money in the first recited Act mentioned, and it is desirable that the said Trustees and Governors should be empowered to draw for and apply the sums so received or to be received by them on account of rents, rent-charges, and arrears thereof, and otherwise, for the purpose of carrying out of the trusts declared and imposed on the said Trustees and Governors by the first recited Act: Be it therefore further enacted, that from and after the passing of this Act it shall be lawful for the said Trustees and Governors, from time to time, as they shall require the same to draw, and the Receiver General is hereby required to pay to the said Trustees and Governors, all such sum and sums of money as have, since the passing of the first recited Act, already been paid or which may hereafter be paid by the said Trustees and Governors to the Receiver General to the credit of the account of the said Trustees and Governors in the Receiver General's books for or on account of rents, rent-charges, or arrears thereof, or otherwise: Provided, that such sum and sums of money shall be paid and applied by the

Trustees
may draw
for certain
sums.

Application
hereof

said Trustees and Governors for the purpose of carrying out the trusts declared and imposed on them by the first recited Act: Provided also, that it shall be lawful for the said Trustees and Governors to invest any surplus monies at any time in their hands or at their credit in the Receiver-General's books for which they have no immediate use in the Island Treasury; and the Receiver General shall pay to the said Trustees and Governors interest after the rate of six pounds *per centum per annum* on such surplus money so invested; and it shall be lawful for the said Trustees and Governors to pay and apply the interest as well as the principal of such surplus monies, or any part thereof, from time to time, for the purpose of carrying out the trusts declared and imposed on the said Trustees by the first recited Act, any thing therein contained to the contrary in anywise notwithstanding.

Surplus
monies may
be invested
at interest
for purposes
of Act.

III. THAT nothing in this Act contained shall be construed or taken to abridge, or in any wise to affect, the rights of the Trustees and Governors of the District Schools of Manchester.

Saving
of certain
rights.

CHAPTER XXXVI.

AN ACT to simplify and cheapen proceedings in Chancery.*

* * * * *

XIV. THAT on a decree for sale of lands an authenticated copy of the order of confirmation of the sale thereof, under the Seal of the Court, and stamped with the *ad valorem* duty, as on a conveyance, shall be sufficient to divest the estates of all parties to the suit within the jurisdiction of the Court, and bound by such decree, and to vest the same in the purchaser, according to the terms and limitations to be embodied in the said order of confirmation of sale.

Sale of lands
under decree.

* Repealed, except Section 14 by Section 2 of Law 25 of 1879.

CHAPTER XXXVIII.

AN ACT to establish a Volunteer Militia Force in this Island.*

CHAPTER XLI.

AN ACT to establish a system of General Vaccination.†

* * * * *

Vaccinator to
appoint day and
place for vac-
inating persons.

IV. EACH Parish Vaccinator shall, immediately after his appointment, arrange with such Ministers of Religion of all denominations, and Schoolmasters, or other person who shall be appointed by the Vestry, as shall be willing to act within the parish or district, and appoint certain days on which he will attend at their respective Churches, Chapels, Schools, or Stations, for the purpose of vaccinating such persons or children as may present themselves, or be brought to him for vaccination; and each Parish Vaccinator shall perform the vaccination himself, and not by means of a deputy or agent.

Return of sta-
tions for vac-
cination.

V. EACH Parish Vaccinator, so soon as he shall have determined on, and arranged his stations for vaccination, shall make a return thereof, and of the names and occupations of the persons who are to countersign his returns, and the probable date of his attendances at such stations, to the Clerk of the Vestry of the parish according to the Form B to this Act annexed.

Return of Vac-
cinators.

VI. THE Clerk of the Vestry of each parish shall, as soon as possible after the election of the Parish Vaccinator or Vaccinators, make a return to the Executive Committee, according

* Repealed by Section 2 of Law 35 of 1879.

† Law 5 of 1887, by its third Section, incorporated with this Law.

to the Form C to this Act annexed, giving the name of each Vaccinator so appointed, his qualification, and, in event of his not being a regularly qualified medical practitioner, the names of the two medical practitioners who have signed his certificate, the district to which he has been appointed, the names of the stations in such district at which he proposes to meet the people for the purpose of vaccination, and the name and occupation of the person at such station who is to countersign his returns.

* * * * *

VIII. THE Minister of Religion, Schoolmaster or person appointed by the Vestry, at whose Church, Chapel, School or other Station vaccination is performed, shall countersign the record appointed to be kept according to the Form D to this Act annexed.

Record to be
countersigned

IX. UPON or immediately after the successful vaccination of any person or child, the Vaccinator who shall have performed the operation shall deliver to such person, or to the father or mother or person who shall have the care, nurture, or custody of such child, a certificate under his hand, according to the Form E to this Act annexed, that the said person or child has been successfully vaccinated ; and the number to be inserted in such certificate shall be the same under which the said person or child is registered in the Form D to this Act annexed.

Certificate of
vaccination.

X. EVERY Vaccinator shall make out, in duplicate, the returns of vaccinations performed by him, according to the Form D to this Act annexed, and forward the same to the Clerk of the Vestry of the parish for which he is appointed.

Return of vac-
cination per-
formed.

XI. THE Clerk of the Vestry of each parish shall present such returns to the Vestry at their first quarterly meeting held after the receipt thereof, for examination and attestation by the Board, who are hereby required to examine and attest

Presentation to
Vestry.

the same, subject to any note* or observation which may appear to the Board to be proper, and which they shall subjoin to, or endorse upon, the same, in writing, by the Clerk, who shall note thereon the date of the meeting, and subscribe and state the same to be done by order of the Board; and the Clerk of the Vestry shall forward one copy so examined and attested, together with any such note or observation, to the Secretary of the Executive Committee, at the same time with the application for payment of the Vaccinator's services.

Filing thereof.

XII. THE Clerk of the Vestry of each parish shall file and preserve the other copy so examined and attested, together with any such note or observation by the Vestry thereon, as a parish record.

Persons insusceptible of the disease.

XIII. IN the event of any medical practitioner or Parish Vaccinator being of opinion, after three successive vaccinations, that any person or child is insusceptible of vaccine disease, he shall deliver to such person, or the father, or mother, or person having the care, nurture or custody of such child, a certificate under his hand, according to the Form F to this Act annexed, that such person or child is insusceptible of vaccine disease.

Remuneration of Vaccinator.

XIV. THE salary or remuneration of every Parish Vaccinator shall be at a rate not exceeding one shilling for each case certified to have been successful; which remuneration shall be paid on the warrant of the Governor, to be issued after reception and examination by the Executive Committee of the attested vaccination returns from the Vestry of each parish.

Lymph.

XV. EACH Parish Vaccinator shall be supplied with vaccine lymph in glass tubes at the public expense; and it shall be the duty of the Chief Medical Officer at the Public Hos-

* "vote" in Original.

pital to import, when necessary, from some vaccine establishment in Great Britain, a sufficient quantity of the lymph in tubes, along with a supply of spare tubes for preserving the lymph for the purposes of this Act.

XVI. No Parish Vaccinator shall be entitled to register the name of any person who has been already vaccinated, or who bears the mark of previous successful vaccination.

Persons already vaccinated.

XVII. THE Executive Committee shall cause to be provided all such books, certificates, schedules, notices, regulations, and other forms as they may deem requisite for carrying into full effect the provisions of this Act, and shall transmit the same, when necessary, to the Clerk of the Vestry of each parish within the Island; and the said Clerk of the Vestry shall deliver to the Vaccinator, or to each Vaccinator of his parish, such of the said books, certificates, schedules, notices, regulations, and other forms as may be required for the due performance of the duties imposed upon him or them by this Act

Books, &c. to be provided.

XVIII.*

XIX.*

XX.*

XXI.*

XXII. PARENTS or guardians of any child, or family of children, under twelve years of age, shall cause such child or children, if not previously vaccinated, to be vaccinated within twelve months after the passing of this Act by the medical or other officer or person appointed and paid by the public for such purpose, under a penalty not exceeding twenty shillings; or, in default of payment, by imprisonment not exceeding thirty days, on conviction: Provided, that any person, above twelve years of age, on paying not exceeding one shilling to the medical officer or other person

Temporary.

* Repealed by Sec. 2 of Law 23 of 1879.

aforesaid, shall be entitled to be vaccinated: Provided also, that no conviction shall take place where it shall be proved that the parents or guardians have taken such child or children to be vaccinated previous to the day of trial; but they shall be liable to pay the costs of the proceedings.

Penalty for omission to register.

XXIII. EVERY Vaccinator who shall fail to register, according to this Act, any person or child successfully vaccinated by him, or who shall register the vaccination of any person or child who shall not have been successfully vaccinated, shall forfeit a sum not exceeding twenty shillings for each such case.

Penalty for forging certificate.

XXIV. ANY person who shall forge or counterfeit any certificate required by this Act, or who shall knowingly utter or use any forged or counterfeited certificate, shall be guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Penalty for receiving remuneration not authorized by Act.

XXV. ANY Parish Vaccinator who shall demand or receive any remuneration, fee, or reward from any person or in any manner otherwise than as is by this Act provided for any service rendered in his capacity of Parish Vaccinator shall, on conviction for every such offence, pay a penalty not exceeding twenty shillings.

Penalty for fraudulent personation of authorized Vaccinator.

XXVI. ANY person who shall pretend to be, or shall act as, a Parish Vaccinator, without having been duly appointed as such by the Vestry of a parish, or, pretending to be such Vaccinator, shall demand or receive any remuneration from or reward for vaccinating any person, or shall falsely and deceitfully personate any Parish Vaccinator, with intent to induce any person to be vaccinated by him, or fraudulently to obtain any remuneration, fee or reward, or to defraud any Board of Vestry, Clerk of the Vestry, or other officer or person whomsoever, shall, on conviction for every such offence, pay a penalty not exceeding five pounds.

XXVII. No Parish Vaccinator shall be paid from the funds to be appropriated for the purposes of this Act for the vaccination of any person or child beyond the limits of the district to which he shall have been appointed.

Vaccinator not to be paid for vaccinating out of his district.

XXVIII. ANY person who shall produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatever produce the disease of small pox within this Island, shall forfeit a sum not exceeding five pounds.

Penalty for producing small-pox by inoculation.

* * * * *

XXXIII. NOTHING contained in this Act shall be deemed to prevent any qualified medical practitioner, whether or not appointed as a Parish Vaccinator, from performing vaccination in any part of the Island, or issuing the certificate marked B to this Act annexed, so long as he shall do so either gratuitously or by private contract; but no person except a regularly appointed Parish Vaccinator shall be entitled to remuneration from the Funds to be appropriated by the Government for the purposes of this Act.

Saving of rights of medical practitioners.

XXXIV. REGULARLY qualified medical practitioners shall, on application to the Clerk of the Vestry of the parish in which they may reside, be supplied with such of the forms contained in the Schedule to this Act annexed as they require.

Supply of Forms.

XXXV. THE Forms E and F to this Act annexed may be signed by any regularly qualified medical practitioner, or by any Vaccinator appointed by the Vestry of any parish; but the Forms G and H shall be valid only when signed by a regularly qualified medical practitioner:

Signature of Forms.

* * * * *

XXXVII. THAT from and after the passing of this Act it shall be the duty of the Justices of each parish, or any two of

Public notice to parents to cause their

children to
be vacci-
nated.

them, at the first Petty Session Court in the months of April, July and October in the first year after the passing of this Act, or at any Petty Session Court to be held at any other time, to direct the Sergeant of Police, or some Policeman, in any city, town, village, or parish in this Island, to give public notice (according to the Form K annexed to this Act), by printed bills posted on the entrance doors of the court-house, churches, chapels, schoolhouses, market houses, and police stations, and in such other manner as they shall think fit, requiring all parents and guardians to cause their children to be vaccinated according to the provisions of this Act, such printed forms to be furnished by the Justices and Vestries of each parish.

Returns to
be declared
to before Jus-
tice.

XXXVIII. ALL returns required to be made by the Public Vaccinators under the provisions of this Act shall be declared to before any Justice of the Peace for the parish for which each Vaccinator was appointed, and a false statement made in any such return shall subject the party making the same to the pains and penalties of perjury.

Commence-
ment of Act.

XXXIX. THIS Act shall come into operation on the first day of May in the year one thousand eight hundred and sixty-five.

Short title.

XL. THIS Act may for all purposes be cited as "THE VACCINATION ACT, 1865."

FORM A.

JAMAICA, SS.

Parish of

We, the undersigned, regularly registered Medical Practitioners, do hereby certify, that we consider of the Parish of _____ is competent to perform the operation of vaccination, to recognise and judge of its results, and to record the same, and that he has sufficient acquaintance with the general forms of disease to be able to select proper subjects both for obtaining lymph, and for undergoing vaccination.

Dated this _____ day of _____ 186 ____ .

FORM B.

JAMAICA, SS.

Parish of

District of

Return of Stations at which

, Parish Vaccinator, has appointed to hold Vaccinations.

No. of Stations.	Name of Stations.	Name and Occupation of Person who will Countersign Returns.	Probable Dates of Visiting Stations.

(Signed)

Parish Vaccinator.

FORM C.

JAMAICA, SS.

Parish of

Return of Vaccinators appointed, their respective Districts, and the Vaccination Stations in each District.

Name of each Vaccinator appointed.	Qualification.	If not Medical Practitioner, Names of those who signed his Certificate.	Name of District to which each has been appointed.	Names of Stations appointed by each Vaccinator for meeting the People, to be given opposite the respective District.	Name and Occupation of Person who is to sign the Returns at each Station.	Observations.

FORM D.

JAMAICA, ss.

Vaccination Return for the Parish of _____

Station

N. B. It is requested that successful cases may be marked simply with a large "S." Unsuccessful with a large "U." under the head "Results."

* No.	Name.	Vaccinated on	Seen on	Result.	Re-Vaccinated on.	Seen on	Result.	Observations.
								Synopsis of this sheet Successful No. --- Unsuccessful No. ---

Parish Vaccinator.

Certified correct, to the best of my judgment and belief, _____ Curate of _____

Master of _____ School.

* The number herein entered must correspond with those certificates issued, according to Form E

FORM E.

JAMAICA, SS.
Parish of }

* No.

I certify that on the day of 186
 I vaccinated of the Parish of and
 that I again saw the said on the day
 of and that the vaccination was successful.
 A. B., Qualified Practitioner, or C. D.
 Vaccinator appointed by Vestry.

* N. B.—The No. in this Certificate must correspond with the number on the
 return Form D.

FORM F.

JAMAICA, SS.
Parish of }

I, the undersigned, hereby certify, that I am of opi-
 nion that of the Parish is
 insusceptible of the vaccine disease.

Dated this day 186

(state qualification).

FORM G.

JAMAICA, SS.
Parish of }

I certify that of the Parish of bears
 the marks of a successful vaccination.

Dated this day of 186

(state Medical qualification).

N. B.—This Form can be signed only by a regularly qualified Medical Practitioner.

JAMAICA, SS.
Parish of }

FORM H.

I certify that I have carefully examined of
 the Parish of and I am satisfied, and here-
 by certify accordingly, that the said has
 passed through a regular attack of Small-pox.

Dated this day of 186

(state Medical qualification).

N. B.—This Form can be signed only by a regularly qualified Medical Practitioner.

FORM K.

NOTICE.

To all Parents and Guardians.

You are hereby required, immediately after this notice, to cause any child or children under your protection, or charge, to be vaccinated according to the provisions of the "Vaccination Act, one thousand eight hundred and sixty-five;" and, in default of your so doing, you will be subjected to a penalty of twenty shillings, or imprisonment for thirty days, for each offence.

Dated this _____ day of 186 .

FORM L.

FORM OF WARRANT.

Whereas default hath been made in payment of the sum of _____ due for vaccination of immigrants located on _____ Estate in the Parish of _____ according to the provisions of "THE VACCINATION ACT, 1865:"

These are therefor to command you to levy the said sum of _____ by distress of any goods or chattles to be found upon the said _____ Estate in the said Parish upon which a landlord might distrain for rent in arrear; and if, within fourteen days next after such distress by you taken, with or without previous appraisement, the said sum and the charges of distraining and keeping the same, shall not be paid according to the scale fixed by the Act of the First Victoria, chapter twenty-five, then that you do sell the said goods and chattles so by you distrained, and, out of the money arising by such sale, that you do pay the said sum of _____ to _____, Parish Vaccinator of the said Parish, under the provisions of "The VACCINATION ACT, 1865," returning the overplus, if any, on demand, to the proprietor, overseer, or manager of the said estate, after retaining the charges on the scale aforesaid of distraining and keeping such distress.

Given under my hand, this _____ day of 18 .

Agent-General of Immigration.

To any Policeman of the Parish of _____

CHAPTER XLII.

AN ACT for the Winding-up of Companies.

WHEREAS it is necessary to provide for the winding-up of Companies and Associations established or to be established in this Island: Be it therefore enacted by the Governor, Legislative Council and Assembly of this Island, and it is hereby enacted, as follows:—

PRELIMINARY.

I. THE term “contributory,” shall mean every person liable to contribute to the assets of a Company in the event of the same being wound up, it shall also, in all proceedings for determining the persons who are to be deemed contributory, and in all proceedings prior to the final determination of such persons, include any person alleged to be contributory. “Contributory” defined.

II. THE liability of a contributory in the event of a Company being wound up shall be deemed to create a debt in the nature of a specialty accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls shall have been or shall be made for enforcing such liability: Provided, that nothing herein contained shall increase the liability of any shareholder, copartner, or contributory of any public Company beyond his original liability. Nature of liability of contributory.

III. IN case of the insolvency or bankruptcy of any contributory, it shall be lawful to prove against his estate the estimated value of* his or her liability to future calls, as well as calls already made; and the official assignee, or other the assignees of such contributory, shall, in case of such insolvency or bankruptcy, be deemed to represent him, and may be called upon to admit the proof against his estate, or otherwise to allow to be paid out of the assets, in due course Contributory becoming bankrupt.

* “or” in Original.

of law, such sum as shall be due from such insolvent or bankrupt in respect of his liability to contribute to the assets of the Company being wound up.

Contributo-
ries in case
of death or
marriage.

IV. In case of the death of any contributory, his personal representatives, heirs, and devisee, in a due course of administration, and, in case of the marriage of a female contributory, her husband during the continuance of the marriage, in the same sum as she would have been liable had she not married, shall be liable to contribute to the assets of the Company, and be deemed contributories accordingly.

Time of in-
solveney.

V. It is immaterial whether the insolvency of such contributory shall have happened or shall happen before he or she has been placed on the list of contributories as hereinafter mentioned

WINDING-UP.

Circum-
stances
under which
Company
may be
wound up

VI. A COMPANY may be wound up as hereinafter defined under the following circumstances:—

First. Whenever the Company has passed a special resolution requiring the Company to be wound up.

Second. Whenever the Company shall not commence its business within a year from its incorporation or registration or shall suspend its business for the space of one year.

Third. Whenever the members are reduced in number to less than seven.

Fourth. Whenever the Company is unable to pay its debts.

Fifth. Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

When Com-
pany shall be
deemed un-
able to pay
its debts.

VII. A COMPANY under this Act shall be deemed unable to pay its debts—

First. Whenever a creditor, by assignment or otherwise, to whom the Company is indebted at law or in equity

in a sum exceeding fifty pounds then due, has served on the Company, by leaving the same at the registered or head office, a demand, under his hand, requiring the Company to pay the sum due, and the Company has, for the space of three weeks succeeding the service of such demand, neglected to pay such sum, or to secure a compound for the same, to the reasonable satisfaction of the creditors.

Second. Whenever execution or other process issued on a judgment decree or order obtained in any Court in favour of any creditor at law or in equity, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part.

Third. Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

VIII. THE Judges of the Supreme Court, with the powers of the Court of Equity, shall be the Judges to administer this Act; and the term "Court," throughout this Act, shall mean Supreme Court of Judicature of this Island; and any Judge of the Supreme Court may do in Chambers any act which the Court is hereby authorized to do.

Supreme
Court to ad-
minister Act.

IX. ANY application to the Court for winding up of a Company under this Act shall be by petition. It may be presented by the Company, or by any one or more creditor or creditors, or by any one or more contributory or contributories to the Company, or by all or any of the above parties together or separately; and every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Application
for winding
up to be by
petition.

X. A WINDING UP of a Company shall be deemed to commence at the time of the presentation of the petition for the winding up.

Commence-
ment of
winding up.

Staying of
actions.

XI. THE Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any action, suit, or proceeding against the Company, upon such terms as the Court thinks fit.

Hearing of
petition.

XII. UPON hearing the petition, the Court may dismiss the same with or without costs, and adjourn the hearing conditionally or unconditionally, and may make any *interim* order, or any other order that it seems just.

Actions and
suits stayed
upon order
for winding
up.

XIII. WHEN an order has been made for winding up a Company under this Act, no suit, action, or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Court may
stay pro-
ceedings
after wind-
ing up order.

XIV. THE Court may, at any time after an order has been made for winding up a Company, upon the application by motion of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time on such terms, and subject to such conditions, as it deems fit.

Winding up
of Company
limited by
guarantee.

XV. WHEN an order has been made for winding up a Company limited by guarantee, and having a capital divided into shares, any share capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt (of the nature of a specialty) due to the Company from each member, to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court to have
regard to
wishes of

XVI. THE Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or con-

tributories, as proved to it by any sufficient evidence; and may if it thinks it expedient, direct meetings of the creditors or contributories, to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court; in the case of creditors regard is to be had to the value of the debts due to each creditor; and in the case of contributories, to the number of votes conferred on each contributory by the regulation of the Company.

creditors and
contributo-
ries.

LIQUIDATORS.

XVII. FOR the purpose of conducting the proceedings in winding up a Company, and assisting the Court therein, there may, upon or after any petition has been filed for winding up a Company, be appointed a person or persons, to be the liquidator or liquidators of the particular Company; and the Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit. In all cases, if more persons than one are appointed liquidators, the Court shall declare whether any act hereby required or authorized to be done by the liquidator is to be done by all, or any one or more of such liquidators. The Court may also determine whether any and what security is to be given by any liquidator on his appointment. If no liquidator is appointed, or, during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Appoint-
ment of
liquidators.

XVIII. ANY liquidator may resign, or be removed by the Court on due cause shewn; and any vacancy in the office of liquidator shall be filled by the Court. There shall be paid to the liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and, if more liquidators than one are appointed, such remuneration shall be distributed among them in such proportions as the Court directs.

Resignation,
removal, re-
muneration.

How liquidator to be described, and what duties he is to perform.

XIX. THE liquidator or liquidators shall be described by his name, and the style of the liquidator or liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names alone. He or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action to which the Company is or appear to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of liquidator.

XX. THE liquidator shall have power, with the sanction of the Court, to do the following things :—

To bring or defend any action, suit, or prosecution, or other legal proceeding, civil or criminal, on behalf of the Company, and which may be brought or defended by him in his name and style of office.

To carry on the business of the Company, as far as may be necessary for the beneficial winding up of the same.

To sell the real and personal and moveable property, effects, and things in action of the Company, by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels.

To do all acts, and to execute, in his name and style of office on behalf of and for the Company, all deeds, receipts, and other documents, and for that purpose to use when necessary the Company's seal.

To prove rank, claim, and draw a dividend in the matter of the insolvency or bankruptcy of any contributory against the estate of such contributory.

To take out, if necessary, in his name and style of office, letters of administration to any deceased contributory, and to do any other act that may be necessary for

obtaining payment of any monies due from such contributory or his estate.

To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

XXI. THE Court may provide, by any order, that the liquidator may exercise any of the above powers without the sanction or intervention of the Court.

Exercise of powers.

XXII. THE liquidator may, with the sanction of the Court, appoint a Solicitor to assist him in the performance of his duties.

Appointment of Solicitor.

ORDINARY POWERS OF THE COURT.

XXIII. As soon as may be after the making of any order for winding up a Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

List of contributories and collection and application of assets.

XXIV. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories by their being representatives of, or being liable to, the debts of others. It shall not be necessary, when the personal representative is on the list, to add the heirs or devisees of such contributory, but they may be added if the Court think it necessary.

Provision as to representative contributories.

XXV. No person shall be made a contributory unless notice in writing be given or sent to him, or, in case of his absence, to his attorney or agent in this Island, to shew cause against his being settled as a contributory on the list of contributors, at least fourteen days before such list is settled.

No person to be made contributory without notice.

XXVI. THE Court shall have full power to direct in what manner service of notices and other proceedings shall be effected in cases where the parties to be served are absentees

Service of notices on absentees, &c.

from this Island and unrepresented or cannot be found after reasonable enquiry.

Power of
Court to re-
quire delivery
up of property.

XXVII. THE Court may at any time after making any order for winding up a Company require any contributory for the time being settled on the list of contributories, Trustee, Receiver, Banker, or Agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or assets which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Monies due
to Company
by contribu-
tory.

XXVIII. THE Court may at any time after making an order for winding up the Company make an order on any contributory settled on the list of contributories, directing payments to be made, in manner in the said order mentioned, of any monies due from him, or from the estate of the person whom he represents, to the Company, exclusive of any money which he, or the estate of the person whom he represents, may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act; and it may, in making such order, when the Company is not limited, allow to such contributory, by way of set-off, any monies due to him or the estate which he represents, from the Company, on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profit: Provided, that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatsoever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of
Court to
make calls.

XXIX. THE Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make

calls, and make order for payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of the liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories among themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

XXX. THE Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the office of the Receiver General of this Island to the account of the liquidator, and such order may be enforced as if it had directed payment to the liquidator.

Payment to
Receiver
General.

XXXI. IF any person made a contributory, either in his own right, or as personal representative of a deceased contributory, makes default in paying the sum ordered to be paid by him, execution, may issue upon such order as upon an order made in pursuance of the Act Eighth Victoria, chapter forty-eight, against such contributory, or the assets of the deceased contributory; and if such execution in the case of a deceased contributory shall not be effectual, proceedings may, with the sanction of the Court, be taken in the Court of Chancery of this Island for administering the personal and real estate of such deceased contributory, and of compelling payment thereout of the money due.

On default of
payment by
contributory,
execution
may issue as
under 8 Vic.
cap. 48.

XXXII. ANY order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings

Order con-
clusive evi-
dence that
monies are
due.

whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *primâ facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

Court may fix day for creditors to prove their debts.

XXXIII. THE Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Rights of contributories *inter se*.

XXXIV. THE Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Costs of winding up.

XXXV. THE Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment, out of the assets of the Company, of the costs, charges, and expenses incurred in winding up any Company, in such order of priority as the Court thinks just.

Dissolution of Company.

XXXVI. WHEN the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

EXTRAORDINARY POWERS OF THE COURT.

Power of Court to summon certain persons before it.

XXXVII. THE Court may, after it has made an order for the winding up of the Company, summon before it any officer of the Company, or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company; and the Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the Company; and

if any person so summoned after being tendered, a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting, and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on papers, deeds, or writings, or documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction, in the winding up, to determine all questions relating to lien: Provided, that no person shall be entitled to have or claim any lien on the books or accounts of the Company.

XXXVIII. THE Court may examine, upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before them in manner aforesaid concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same

Examination
of parties
brought be-
fore Court.

XXXIX. THE Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit the Island or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Power to
arrest contri-
butory about
to abscond,
&c.

XL. ANY powers by this Act conferred upon the Court shall be deemed to be in addition to, and not restrictive of, any other powers subsisting at law or in equity of instituting proceedings against any contributory, or the estate of any

Powers of
Court cumu-
lative.

contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

ENFORCEMENT AND APPEAL FROM ORDERS.

Enforcement of
orders

XLII. ALL orders made by the Court under this Act may be enforced in the same manner in which orders of the Supreme Court or Court of Chancery made in any proceeding or suit before them may be enforced; and for the purposes of this Act the Court shall, in addition to the ordinary powers of the Supreme Court, have the same powers for enforcing any orders made by it as the Court of Chancery in relation to matters within the jurisdiction of such Court.

Appeals from
single Judge
to Court.

XLIII. APPEALS from any order or decision made or given in the matter of the winding up of a Company before any single Judge may be made to the Supreme Court, sitting in Banco, in the same manner, and subject to the same rules and conditions, as are required in cases of new trials in matters within the ordinary jurisdiction of the Supreme Court.

POWER OF COURT TO MAKE RULES.

XLIII. THE Supreme Court of Judicature may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up of a Company as may from time to time seem necessary; but until such rules shall be made, the Court or Judge acting in the matter may, by the order made upon the petition, or upon summary application afterwards, give such directions, not inconsistent with this Act, for carrying out the provisions thereof in respect of the particular Company being or being sought to be wound up, *as the said Court or Judge shall think fit.**

SUPPLEMENTARY PROVISIONS.

Disposition of
property after
commencement
of winding up
void.

XLIV. WHEN any Company is being wound up under this Act, all dispositions of the property, effects and things in

* Words in italics not in Original.

action of the Company, and every transfer of shares or alteration of the status of the members of the Company, made between the commencement of the winding up and the order for winding up shall, unless the Court otherwise orders, be void.

XLV. WHEN any Company is being wound up, all books, accounts, and documents of the Company, and of the liquidator, shall, as between the contributories of the Company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Company's
books to be
prima facie evi-
dence.

XLVI. WHEN an order has been made for winding up a Company, the Court may make such order for the inspection, by the creditors and contributories of the Company, of its books and papers, as the Court thinks just; and any books and papers in possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court but not further or otherwise.

Inspection of
books.

XLVII. ANY person to whom anything in action belonging to the Company is assigned in pursuance of this Act may bring or defend any action or suit relating to such thing in action in his own name.

Assignee of
things in action.

XLVIII. IN the event of any Company being wound up under this Act, all debts payable on a contingency, and all claims against the Company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible in proof against the Company, a just estimate being made, so far as is possible, of the value of all such debts or claims as may be subject to any contingency, or sound only in damages, or for some other reason do not bear a certain value.

Debts of all
descriptions
may be proved
against com-
pany.

XLIX. THE liquidator may, with the sanction of the Court, pay any classes of creditors in full, or make such compromise or other arrangement, as the liquidator may deem ex-

Liquidation.

pedient, with creditors, or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the Company, or whereby the Company may be rendered liable.

Power to
compromise.

L. THE liquidator may, with the sanction of the Court, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor, or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company, or the winding up of the Company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities and to give complete discharges in respect of all or any such calls, debts, or liabilities.

Process
against
effects of com-
pany during
winding up
void.

LI. WHEN the Company is being wound up, any attachment, sequestration, distress or execution put in force against the estate or affects of the Company after the commencement of the winding up shall be void to all intents.

Fraudulent
preference.

LII. ANY such conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property, as would, if made or done by or against an individual, be deemed in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such individual, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly; and, for the pur-

poses of this Act, the presentation of a petition for winding up a Company shall be deemed to correspond with the act of of insolvency in the case of an individual.

LIII. WHEN, in the course of the winding up of any Com-
pany under this Act, it appears that any past or present
Director, Manager, or any Officer of such Company, or any
Liquidator appointed under this Act, has misapplied, or re-
tained in his own hands, or become liable or accountable for
any monies of the Company, or been guilty of any misfea-
sance or breach of trust in relation to the Company, the Court
may, on the application of any Liquidator, or of any creditor
or contributory of the Company, notwithstanding the offence
is one for which the offender is criminally responsible,
examine into the conduct of such Director, Manager, or other
Officer, or Liquidator, and compel him to repay any monies so
misapplied or retained, or for which he has become liable or
accountable, together with interest, after such rate as the
Court thinks just, or to contribute such sums of money to the
assets of the Company, by way of compensation, in respect of
such misapplication, retainer, misfeasance, or breach of trust,
as the Court thinks just.

Misappropriation of funds
by Director
or other
Officer.

LIV. If any Director, Officer, or contributor of any Com-
pany wound up under this Act, destroys, mutilates, alters, or
falsifies any books, papers, writings, or securities, or makes,
or is privy to the making of, any false or fraudulent entry
in any register, book of account, or other document belong-
ing to the Company, with intent to defraud or deceive any
person, every person so offending shall be deemed guilty of a
misdemeanor, and, upon being convicted, shall be liable to
imprisonment for any term not exceeding two years, with or
without hard labor.

Destroying
or falsifying
books.

LV. WHEN any order is made for winding up a Company,
if it appear in the course of such winding up that any past
or present Director, Manager, Officer or member of such

Prosecution
of delinquent
Directors or
Officers.

Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may on the application of any person interested in such winding up, or of its own motion, direct the liquidator or liquidators to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company.

False swearing. LVI. IF any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition, or solemn affirmation, in or about the winding up of any Company under this Act, or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he shall, upon conviction, be liable to the penalties of wilful perjury.

APPLICATION OF THIS ACT.

LVII. THIS Act shall apply to all Companies incorporated under any Act of the Legislature of this Island; all partnerships as Bankers under any Act of this Island authorized to sue by their Public Officer otherwise; all Mining and Cost-book Companies established under any Act of this Island, and all other Companies whatsoever, limited or otherwise, which shall derive their powers under any Act of this Island, whether such Corporations, Partnerships, or Companies have been or shall be appointed, formed or established under any present or future Act of this Island, save where such Corporations, Partnerships, or Companies previously derived their powers under any statute of the United Kingdom.

CHAPTER XLIV.

AN ACT to extend the power of granting Building or Repairing Leases of Premises.

WHEREAS by reason of the frequent occurrence of fires in the towns of this Island of late years, and from other

causes, much land in the several towns, suitable for building purposes, is either lying entirely waste, or the stores, houses, or buildings thereon are in such a state of delapidation as to be untenable, and unfit for use : And whereas it would tend not only to the advantage of parties interested in such land and premises, but also to the improvement of the Island, if power to grant building or repairing leases were given or extended to the persons, and in the manner hereinafter mentioned : Be it therefore enacted by the Governor, Legislative Council and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows :—

I. It shall be lawful for all tenants for life or in tail in possession of or in any such land and premises as aforesaid, and for the Guardians, Trustees, or Committees of all tenants for life, or in tail, or in fee simple, who shall be infants, lunatics, idiots, or otherwise incapable of acting for themselves, from time to time hereafter, by deed to be duly proved and recorded, to demise and lease the said land, premises or any part thereof respectively, to any person or persons who shall improve the same by erecting or building thereon any new stores, houses, or buildings, or by rebuilding, repairing, enlarging, or improving any stores, houses, or buildings for the time being standing on the same land and premises, or any part thereof, or shall covenant or agree so to do within four years next after the date of such demise or lease, for any term of years not exceeding twenty-one years, to take effect in possession ; so as there be reserved on every such demise or lease the best yearly rent or rents, to be incident to the immediate reversion, that can be reasonably gotten, without taking anything in the nature of a fine, premium, or foregift ; and so as there be contained in every such demise or lease a* condition of re-entry for non-payment within a reasonable time to† be therein specified, of the rent or rents thereby reserved, and

Power to
grant build-
ing or repair-
ing leases.

* "or" in Original.

† "to" not in Original.

so as the lessee or lessees do thereby covenant for the due payment of such rent or rents: Provided, that a peppercorn rent or any smaller rent than the rent to be ultimately made payable, may be reserved and made payable during all or any part of the first five years of any such term as aforesaid.

ACTS OF 29 VICTORIA, SESSION 1.

CHAPTER I.

AN ACT to Indemnify the Governor and all other Officers and persons concerned in suppressing the late Rebellion in this Island.*

CHAPTER IV.

AN ACT to provide for the Expenses attending the extinguishing of the Rebellion.

WHEREAS the putting down of the recent rebellion, and the existence of martial law in the County of Surrey have caused serious expenses to be incurred, which cannot at present be correctly estimated: And whereas the annual revenue of the Colony, seriously affected by these circumstances, is wholly inadequate to bear any portion thereof: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Power to raise
loan of £50,000.

I. THE Governor, with the advice of the Executive Committee, shall have power to negotiate a loan, not exceeding fifty thousand pounds, for the purposes named, and shall have full power and authority to make such terms as they may

* Omitted.

deem fit for the obtaining and repaying, and as to the issuing or renewing, of debentures for the said loan of fifty thousand pounds, or any portion thereof.

II. THE interest and sinking fund upon such sum or sums borrowed shall be an annual charge upon the Estimates. Interest and sinking fund.

III. STATEMENTS of all particulars with reference to the expenditure of such loan shall be placed before the Legislature from time to time during the present Session, as the accounts may be approved and audited. Expenditure of loan.

CHAPTER VII.

AN ACT to amend the Act to authorize the infliction of Corporal Punishment in certain cases of Larceny and other offences.

WHEREAS it is expedient to amend and explain the Act of the Legislature entitled "An Act to authorize the infliction of corporal punishment in certain cases of larceny and other offences," which now awaits her Majesty's assent: Be it therefore, and it hereby is enacted by the Governor, Legislative Council, and Assembly:—

I. THAT the third section of the aforesaid Act be, and the same hereby is repealed. Repeal.

II. THE words "second or subsequent conviction" in the second section of the aforesaid Act shall be construed to include any conviction of an offence in the said section specified after a conviction of any other offence therein also specified. Construction of words "second or subsequent conviction."

III. WHENEVER sentence of whipping shall be awarded under this and the aforesaid Act, the number of stripes, and the instrument with which they are to be inflicted, shall be specified by the Court in such sentence: Provided, that no Number of stripes and instrument to be part of sentence.

such sentence shall direct or authorize more than eighteen stripes to be administered to a convict under the age of sixteen years, nor more than thirty-six stripes to a convict above or of that age, and that, in the flogging of a convict under the age of sixteen years, the instrument used shall be a rod, composed of tamarind or other switches, and in the case of a convict of or above sixteen years of age, the instrument used shall be the ordinary cat of nine tails.

Commencement
of Act.

IV. THIS Act shall not come into operation until it shall have received her Majesty's royal assent, and such assent shall have been notified by advertisement in the Jamaica Gazette by Authority.

CHAPTER VIII.

AN ACT to prevent the Training of persons to the use of Arms, and to the practice of Military Evolutions and Exercise.

WHEREAS it is expedient that no persons, or bodies of men, should be permitted to assemble and practice military training and exercise within this Island, except only her Majesty's forces and such other persons as are thereunto authorized as aftermentioned by the Governor: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

Meetings of
persons for
the purpose
of military
training pro-
hibited.

I. ALL meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercise, movements, or evolutions, without authority from the Captain-General of this Island, by commission or otherwise, shall be and the same are hereby prohibited.

Training at
such meet-
ing.

II. EVERY person who shall be present at, or attend any such meeting or assembly, for the purpose of training or drill-

ing any other person or persons to the use of arms, or the practice of military exercise, movements, or evolutions, or who shall train or drill any other person or persons to the use of arms or the practice of military exercise, movements, or evolutions, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be kept in penal servitude for a term not exceeding seven years, or to be punished by imprisonment, with or without hard labour, for a term not exceeding two years, at the discretion of the Court in which such conviction shall be had.

III. EVERY person who shall attend or be present at any such meeting as aforesaid for the purpose of being, or who shall at any such meeting or assembly be, trained, or drilled to the use of arms, or the practice of military exercise, movements, or evolutions, being legally convicted thereof, shall be liable to be punished by fine and imprisonment for a term not exceeding two years, at the discretion of the Court in which such conviction shall be had. Attending to be trained.

IV. It shall be lawful for any Justice of the Peace, or for any Constable or Peace Officer, or for any Officer holding commission in the Militia or Volunteer Forces of this Island, or for any other person or persons acting in their aid or assistance, to disperse any such unlawful meeting or assembly, and to arrest and detain any person present at, or aiding, assisting, or abetting any such assembly or meeting; and it shall be lawful for the Justice of the Peace who shall arrest any such person, or before whom any person so arrested shall be brought, to commit such person for trial, unless such person can and shall give sufficient bail for his appearance at the next Circuit Court of the parish in which he may have been apprehended to answer to any indictment which may be preferred against him for any such offence against this Act. Persons so assembled may be dispersed, &c.

V. NOTHING in this Act contained shall extend to prevent any prosecution, indictment, or otherwise for anything which Offenders may be prosecuted as if

this Act had
not been
made.

shall be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act, and convicted or acquitted of such offence.

Actions
against par-
ties for
things done
under Act.

VI. ANY action or suit which shall be brought or commenced against any Justice of the Peace, Constable, Peace Officer, or other Officer or person for anything done or acted in pursuance of this Act shall be commenced within six calendar months next after the fact committed, and not afterwards; and the defendant in every such action or suit may plead the general issue, and give this and the special matter in evidence at any trial to be had thereon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the jury shall find a verdict for the defendant.

Limitation of
prosecutions.

VII. No person shall be prosecuted by virtue of this Act for anything done or committed contrary to the provisions hereinbefore contained, unless such prosecution shall be commenced within six calendar months after the offence was committed.

CHAPTER IX.

AN Act to prevent the administering or taking of Unlawful Oaths.

WHEREAS divers wicked and evil-disposed persons have of late attempted to seduce others of her Majesty's subjects from their duty and allegiance to her Majesty, and to incite them to acts of sedition, and have attempted to give effect to their wicked and traitorous proceedings by imposing upon the persons they have attempted to seduce the obligation of oaths, unlawfully administered: Be it enacted by

the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. EVERY person who shall, in any manner or form whatsoever, administer, or cause to be administered, or be aiding or assisting at the administering of, any oaths or engagement purporting or intending to bind the person taking the same to commit any treason, arson, or murder, shall on conviction thereof by due course of law, be liable to be kept in penal servitude for the term of his natural life, or for such term of years as the Court before which he shall be tried shall adjudge.

Oath binding to commit treason, arson or murder.

II. EVERY person who shall, in any manner or form whatsoever, administer, or cause to be administered, or be aiding or assisting at, or present at and consenting to the administering or taking of, any oath or engagement, purporting or intended to bind the person taking the same to engage in any mutinous or seditious purpose, or to disturb the public peace, or to be of any association, society, or confederacy formed for any such purpose, or to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander, or other person not having authority of law for that purpose, or not to inform or give evidence against any associate, confederate, or other person, or not to reveal or discover any unlawful combination or confederacy, or not to reveal or discover any illegal act done or to be done, or any illegal oath or engagement which may have been administered or tendered to or taken by any such person, or to or by any such other person, or the import of any such oath or engagement; and every person who shall take any such oath or engagement, not being compelled thereto, shall, on conviction thereof by due course of law, be liable to be kept in penal servitude for any term of years not exceeding seven years.

Oath binding to engage in sedition, &c.

Compulsion
not to justify
unless infor-
mation
given.

III. COMPULSION shall not justify or excuse any person taking such oath or engagement unless he or she shall, within fourteen days after the taking thereof, if not prevented by actual force or sickness, and then within fourteen days after the hindrance produced by such force or sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the person or persons by whom and in whose presence, and when and where such oath or engagement was administered or taken, by information on oath before any Justice of Peace, or in case the person taking such oath or engagement shall be in actual service in her Majesty's Forces by sea or land, or the Militia or Volunteer Forces of this Island, then by such information on oath as aforesaid, or by information to his Commanding Officer.

Temporary.

IV. EVERY person who, before he shall be charged with any offence under this Act in taking any oath or engagement therein described, shall, within three months after the passing of this Act, appear before some Justice of the Peace and declare the same, and the oath or engagement so taken, and when and where the same was taken, and in what manner, and who shall at the same time take before such Justice of the Peace the oath of allegiance to her Majesty, shall be and is hereby indemnified against any prosecution for any offence under this Act; and no confession so made by any such person shall be given in evidence against the person making the same in any Court, or in any case whatever.

Aiders and
abettors.

V. ANY person aiding and assisting at the administering of any such oath or engagement as aforesaid, and any person causing any such oath or engagement to be administered, though not present at the administering thereof, shall be deemed a principal offender, and shall be tried as such, and, on conviction thereof by due course of law, be liable to be kept in penal servitude for the term of his natural life, or for

such term of years as the Court before which he shall be tried shall adjudge, although the person or persons who actually administered such oath or engagement, if any such there shall be, shall not have been tried or convicted.

VI. It shall not be necessary in any indictment against any person administering, or causing to be administered or taken, or taking, any such oath or engagement as aforesaid, or aiding or assisting at, or present and consenting to the administering or taking thereof, to set forth the words of such oath or engagement, and that it shall be sufficient to set forth the purport of such oath or engagement, or some material part thereof.

Indictment for
offence against
Act.

VII. ANY engagement or obligation whatsoever in the nature of an oath, purporting or intending to bind the person taking the same to commit any treason, arson, or murder shall be deemed an oath within the intent and meaning of this Act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person or persons to any other person or persons, or taken by any other person or persons, without any administration thereof by any other person or persons.

What to be
deemed an oath.

VIII. ANY person who shall be tried and acquitted, or convicted, of any offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same offence or fact as high treason, or misprison of high treason, and that nothing in this Act contained shall be construed to extend to prohibit any person guilty of any offence against this Act from being tried for the same as high treason, or misprison of high treason, in such manner as if this Act had not been made.

Persons tried
under this Act.

IX. If any person or persons shall at any time be sued or prosecuted for anything by him or them done or executed in pursuance of or by colour of this Act or of any matter or thing herein contained, such action or prosecution shall be commenced within the space of six months next after the offence

Actions for
things done
under this Act.

shall have been committed, and such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff shall be nonsuited, or shall discontinue his or their suit or prosecution, or if judgment be given for the defendant or defendants upon demurrer *or** otherwise, such defendant or defendants shall have full costs to him or them to be awarded against the plaintiff or plaintiffs.

[Repealing clause.]

CHAPTER XI.

AN ACT to alter and amend the Political Constitution of this Island.

WHEREAS it is necessary to alter the present Political Constitution of this Island: Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same:—

Abolition of
Council and
Assembly.

I. THAT from and after the coming into operation of this Act the present Legislative Council and House of Assembly and all and every the functions and privileges of those two bodies respectively shall cease and determine absolutely.

* * * * *

CHAPTER XVIII.

AN ACT for making more effectual provision for the Survey of Disputed Lands.

WHEREAS the Acts of the Legislature of this Island relating to disputed boundaries have not been found to answer

* Word in italics not in Original.

their purposes and requirements, and difficulties arise in the identification of lands in dispute in actions of ejectment and trespass *quære clausum fregit*; for remedy whereof, Be it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same, as follows:—

I. In any action or plaint in ejectment or trespass, involving title to land, the Court before whom such action or plaint shall be pending may order and direct any duly qualified and sworn Surveyor practising in this Island (on the undertaking of the applicant to pay all costs consequent on such order), to survey and lay out the lands in dispute, and to prepare a plat or diagram, with a report appended thereto, of all incidents and observations affecting the disputed land which may arise in the course of the survey, to be returned to the Court under the hand of the Surveyor, and to be used in the cause by either of the parties thereto.

In action of
ejectment
Surveyor
may be
called in.

II. THE Surveyor, before proceeding, shall, before a Judge of the Supreme Court, take the following oath, in writing, to be filed, recorded, and preserved among the records of the suit:—

Oath to be
taken by
Surveyor.

In the (Supreme) Court.

(Title of cause.)

I, _____ do solemnly and sincerely swear that I will well, truly, and faithfully act as Surveyor in the survey of the lands in dispute in this cause, and a true plan, diagram, and report return into this honorable Court, as by the Act in that behalf provided.

III. THE plat or diagram, and the report to be returned by the Surveyor, shall be filed as records of the Court from which the order issued.

Plat or dia-
gram and
report to be
kept as a
record.

IV. THE Court may, in its discretion, order the costs of such survey and a report to be taxed as costs in the cause.

Costs of sur-
vey.

Attendance
of Surveyor
at trial.

V. EITHER party to the suit may nevertheless compel the attendance of the Surveyor by subpoena at the trial to be examined as a witness in relation to the survey and plat or diagram, and report or otherwise.

Proceedings
to be taken
after judg-
ment re-
covered in
ejectment.

VI. AFTER judgment recovered in ejectment, either against the causal ejector or otherwise, and whether a Surveyor shall or shall not have been appointed before the trial according to the provisions of this Act, the lessor of the plaintiff may, for the purpose of the execution of his writ of possession, apply for and obtain the order of a Judge of the Court for the appointment of a duly qualified and sworn Surveyor practising in this Island, to accompany the Sheriff or Deputy Marshal in the execution of such writ of possession, and to point out the lands recovered, and of which possession is to be delivered in pursuance of such recovery; and a plat or diagram of the land of which possession shall be so delivered shall be made out, to be returned with the writ of possession, and filed, recorded, and preserved with the other records in the suit: Provided, that the Surveyor to be appointed under the provisions of this clause shall be sworn before a Judge of the Supreme Court in Chambers to the oath, hereinbefore prescribed, which, being reduced to writing, shall be filed, recorded and preserved among the records of the suit.

Surveyor
after notice
may enter
on land ad-
joining that
about to be
surveyed.

VII. THAT any duly qualified Surveyor, in the prosecution of a survey *ex parte*, may, after due service of notice, enter upon any land adjoining to that about to be surveyed and laid out by him, but such *ex parte* survey shall not exclude the rights of any parties to the ownership of the land. That any person offering obstruction to such survey shall forfeit, for each and every day he shall so obstruct or cause obstruction as aforesaid, a sum not exceeding five pounds, to be recovered similarly in Petty Sessions.

Stamps.

VIII. To remunerate the public for the services of the Clerk of the Supreme Court and Crown for the duties required.

of him by this Act, there shall be impressed on each affidavit to be taken by a Surveyor a stamp of one shilling, and on each plat or diagram a stamp of two shillings, such stamps to be in addition to the stamps imposed by the Stamp Act.

CHAPTER XXIV.

AN ACT to amend an Act passed in the present Session entitled “ An Act to alter and amend the Political Constitution of this Island.

WHEREAS an Act was passed by the Legislature of this Island during this present Session entitled “ An Act to alter and amend the Political Constitution of this Island: And whereas it is desirable that the same should be amended: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same :—

I. THAT all clauses in the said Act, except the first clause, are hereby repealed, and all the forms annexed to the said Act are also hereby repealed. Repeal.

II. IN place of the Legislature abolished by the first section of the recited Act, it shall be lawful for her Majesty the Queen to create and constitute a Government for this Island, in such form, and with such powers, as to her Majesty may best seem fitting, and from time to time to alter or amend such Government. Power to the Queen to create new Constitution.

III. THIS Act shall not come into operation until the same shall have received her Majesty's royal assent, and such assent shall have been notified in the London Gazette, and proclaimed by the Governor in this Island. Commencement of Act.

ACTS OF 29 VICTORIA, SESSION 2.

CHAPTER II.

AN ACT to facilitate the admission of Members at the Bars of England, Scotland, and Ireland to practise in the several Courts of this Island.

BE it enacted by the Governor, Legislative Council, and Assembly of this Island, and it is hereby enacted by the authority of the same:—

Admission to
practise at
Bar of this
Island.

THAT any member of the Bars of England, Ireland, or Scotland, duly qualified to practise as a Barrister or Advocate, on the production of a certificate or other document, attested by the proper Officer, of any of the Superior Courts of Record of England, Ireland, or Scotland, or by the Treasurer or other Officer of any one of the Inns of Court of England or Ireland, or of the Faculty of Advocates of Scotland, certifying his qualification to practise, together with a receipt from the Receiver General of this Island of the payment of the sum of thirteen pounds six shillings and sixpence, imposed by the Twenty-eighth Victoria, chapter nine, on taking and subscribing the usual oaths before any one of the Judges, either in term time or vacation, shall be admitted to practise as a Barrister in the several Courts of this Island.

END OF THE FOURTH VOLUME.

APPENDIX A.

24 VICTORIA, CHAPTER IV.*

AN ACT for carrying into execution, in this Island, “The West Indian Incumbered Estates’ Acts, 1854-1858.”

WHEREAS by an Act of the Imperial Parliament, made Preamble.
and passed in the eighteenth year of the reign of her most gracious majesty Queen Victoria, to be cited as “*The West India Incumbered Estates’ Act, 1854*,” it is, amongst other things, enacted that her Majesty may, from to time, by Order in Council, direct the said Act to come into operation in any of the Colonies mentioned in the Schedule thereto annexed; and that thereupon, but not otherwise, the same should have the force of Law in such Colony; and it is thereby expressly declared, that no such Order in Council shall be made until the Legislature of such Colony has presented an address to her Majesty, praying her Majesty to issue such Order; and has also, to the satisfaction of her Majesty’s Principal Secretary of State for the Colonies, made provision for the payment of such Commissioners and Officers as may be appointed under the said Act, and such other expenses of carrying the same into execution as are hereinbefore directed to be provided for by the Legislature of the Colony: And whereas, by a certain other Act of the Imperial Parliament, made and passed in the twenty-first and twenty-second years of the reign of Her said Majesty, to be cited as “*The West Indian Incumbered Estates’ Act, 1858*,” it is, among other things, enacted that the said two recited Acts may, for all purposes, be cited as “*The West Indian Incumbered Estates’ Act, 1854-1858*.” And whereas the Colony of Jamaica is one of those named in the Schedule

* This Act was omitted as obsolete in the last Revision. As however it is referred to in Law 2 of 1874 it is printed in full here.—[Ed.]

annexed to the firstly recited Act, and it is expedient that the two recited Acts should have the force of Law in this Colony : And whereas the extent of the public revenue in this Island does not enable the Legislature to provide adequate salaries for such Officers as may be appointed for carrying into execution, in this Colony, the provisions of the recited Acts, and it is therefore intended to make other provisions, by way of remuneration, in lieu of such salaries : Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows :—

The Judges of the Supreme Court, or any two of them, to be Commissioners.

I. THE Commissioners to be appointed in pursuance of the recited Acts in this Island, shall be the Judges of the Supreme Court, for the time being, or any two of them, when sitting in the Supreme Court, as by Law established and held, or at such other times, in vacation, as such Judges shall appoint for the holding of sittings for the purposes of this Act, and shall have, whenever sitting, as herein provided, Jurisdiction over all matters to be brought before them in the Court to be so established under this and the recited Acts.

The Clerk of the Supreme Court to be Secretary to such Commissioners, and the Provost Marshal to be their sole Executive Officer, and to receive such fees as shall be fixed.

II. THE Clerk of the Supreme Court of Judicature of this Colony, or his lawful Deputy, shall be the Secretary to the said Commissioners under the recited Acts ; and the Provost Marshal, or his lawful Deputy, shall be the sole Executive Officer of the said Judges, as Commissioners, for the service of all process to be issued by the said Commissioners ; and such Clerk, and Provost Marshal respectively, shall, in respect of the duties and service to be by them respectively performed, be entitled to have, receive, and take, such fees as shall be fixed and settled by the Commissioners under the powers in the said “ West Indian Incumbered Estates’ Act, 1854 ” contained, subject to such disallowance or alteration by the Legislature of this Colony, as is in and by the thirteenth section of such Act mentioned.

III. THERE shall be paid by the several suitors under this and the said recited Acts, before all proceedings to be instituted under this and the said recited Acts, such fees in respect of the business and duties to be by such Judges as Commissioners performed under this and the said recited Acts, as shall be fixed by the Commissioners in England, under the thirteenth section of the said first recited Act, subject however to such disallowance or alteration by the Legislature of this Colony as in and by the said last-mentioned section of such Act provided.

Suitors to pay such fees as shall be fixed by the Commissioners in England.

IV. SUCH several fees shall be paid by means of Stamps, to be impressed on the several proceedings to be had and taken in such Court, and such Stamps shall be procurable from the Office of the Receiver General, or other person authorized by Law to distribute Stamps, and no discount shall be allowed in respect of such Stamps.

Fees to be paid by means of stamps.

V. THE Commissioners shall respectively be paid, on the warrant of the Governor, by means of the fund to be created from Stamp Duties, as herein provided, for the services and duties to be performed by them under this and the recited Acts, such respective salary or remuneration as shall be ascertained and fixed in proportion to the respective number of days each such Commissioner shall sit in such Court.

Commissioners to be paid by warrant of the Governor.

VI. SUCH fees, when settled and approved as by the recited Acts and this Act is provided, shall be demandable by, and payable to the Secretary and Provost Marshal, or Deputy respectively, to whom the same shall be awarded, as remuneration for the services to be by them respectively performed, and shall be payable and paid by the suitors in the Court to be established under the recited Acts, and this Act, or either of them, in this Colony; and payment of all such fees shall, and may be demanded by any person to whom the same are made payable, before he shall be required to perform the duty or service in respect of which any such fee shall be pay-

Fees when settled, to be demandable by Secretary and Provost Marshal.

Any person who shall demand greater fees may be punished as for a petty misdemeanor.

able ; and if any person, to whom any fee shall be so given, under the provisions of this Act, shall demand or take any greater or other fee in respect of any duty or service by him performed, or required to be performed under the recited Acts, or either of them, every such person shall be deemed guilty of a petty misdemeanor, and of extortion, and shall be liable, on conviction before any two Justices of the Peace, to forfeit and pay a penalty not exceeding twenty pounds, nor less than five pounds, and to make amends to the party aggrieved in treble the amount demanded ; and such penalty, and amends, shall be recovered and enforced according to the provisions of any Act now or hereafter to be in force relating to summary proceedings before Justices : Provided, that such penalty, and amends, may be proceeded for and enforced in a consolidated form of proceedings in one summons, and conjoined in all the other process therefor.

Proviso.

Secretary and Provost Marshal to exhibit a list of fees in their offices and publish same in the Gazette.

The Judges to cause list of fees to be published in Gazette.

VII. THAT the Secretary, and Provost Marshal, shall cause a list or Schedule of all Fees payable, to be publicly exhibited at all times in their offices, or places of business, under a penalty of five pounds, by each, to be recovered as last aforesaid ; and the Judges appointed under this Act shall cause a list of all fees to be published, at the public expense, in the "Jamaica Gazette" by Authority, before any proceedings are had or taken in the Court, to be established in this Colony under the recited Acts, and before any fee shall be demanded or become payable under the same.

Act not to come into operation until her Majesty's pleasure is signified.

VIII. THIS Act shall not come into operation until her Majesty's pleasure thereon shall be signified, and made known by the Governor, by a notification in the "Jamaica Gazette," by Authority.

APPENDIX B.

25 VICTORIA, CHAPTER I.*

AN Act to amend the Act of the Twenty-fourth Victoria, Chapter four, for carrying into execution, in this Island, “The West Indian Incumbered Estates’ Acts, 1854–1858.”

WHEREAS for conformity with the Act of the Imperial Preamble.
Parliament, to be cited as “The West Indian Incumbered Estates’ Act, 1854,” it is necessary to amend the Act of the Legislature of this Island of the Twenty-fourth Victoria, chapter four, for carrying into execution, in this Island, “The West Indian Incumbered Estates’ Acts, 1854–1858,” in respect to the number of Commissioners to be appointed in this Colony thereunder: Be it therefore enacted by the Governor, Legislative Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. THE first section of the recited Act of the Jamaica Legislature is hereby repealed. 1st Sec. 24th
Vic. cap. 4,
repealed.

II. THE Commissioners to be from time to time appointed, in pursuance of the recited Imperial Acts in this Colony, shall be any three of the Judges of the Supreme Court for the time being, who, or any two of whom, to be so appointed, shall, whenever sitting, at such times and places as such three Judges, or any two of them, shall appoint for the holding of sittings for the purposes of the recited Acts, have jurisdiction over all matters to be brought before them in the Court to be established, as provided under the recited Acts of the Imperial Parliament, and the Legislature of this Island. Any three
Judges of
Supreme Court
to be Commis-
sioners.

* This Act was omitted as obsolete in the last Revision. As however it is referred to in Law 2 of 1874 it is printed in full here.—[ED.]

